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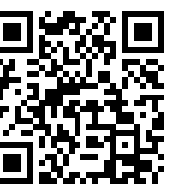

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Parliamentary History.

VOL. XXIV.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

VOL. XXIV.

COMPRISING THE PERIOD

FROM THE THIRD OF DECEMBER 1783, TO THE FIRST OF FEBRUARY 1785.

LONDON:

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1783.	Archbishop of Canterbury	John Moore.
1776.	- - - - - - - - York	William Markham.

Bishops.

1769.	Bishop of St. Asaph	Jonathan Shipley.
1783.	- - - - - Bangor	John Warren.
1774.	- - - - - Bath and Wells	Charles Moss.
1782.	- - - - - Bristol	Lewis Bagot.
1754.	- - - - - Chichester	Sir William Ashburnham, bart.
1781.	- - - - - Coventry and Litchfield	Hon. James Cornwallis.
1783.	- - - - - St. David's	Edward Smallwell.
1781.	- - - - - Ely	Hon. James Yorke.
1778.	- - - - - Exeter	John Ross.
1781.	- - - - - Gloucester	Samuel Halifax.
1746.	- - - - - Hereford	Lord James Beauclerk.

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Bishops continued.]

1782. Bishop of Landaff ..... Richard Watson.
1779. - - - - - Lincoln ..... Thomas Thurlow.
1777. - - - - - London ..... Robert Lowth.
1761. - - - - - Norwich ..... Philip Yonge.
1777. - - - - - Oxford..... John Butler.
1769. - - - - - Peterborough ..... John Hinchcliffe.
1774. - - - - - Rochester ..... John Thomas.
1782. - - - - - Salisbury..... Hon. Shute Barrington.
1781. - - - - - Winchester..... Brownlow North.
1781. - - - - - Worcester ..... Richard Hurd.
1768. - - - - - Carlisle ..... Edmund Law.
1776. - - - - - Chester .. .. Beilby Porteus.
1771 - - - - - Durham ..... John Egerton.

LORD HIGH CHANCELLOR.

1783. Dec. 23. Edward, Lord Thurlow.

PRINCIPAL SECRETARIES OF STATE.

1783. April 2. Frederick, Lord North, vice Lord Grantham.
Right Hon. Charles James Fox, vice Mr. Townshend.
Dec. 19. George, Earl Temple, vice Mr. Fox.
23. Thomas, Lord Sydney, vice Earl Temple.
Francis, Marquis of Carmarthen, vice Lord North.

SPEAKER OF THE HOUSE OF COMMONS.

1780. Oct. 31. Charles Wolfran Cornwall, esq.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1783. April 5. William Henry, Duke of Portland.
Lord John Cavendish, Chancellor of the Exchequer.
Charles, Earl of Surrey.
Frederick Montagu, esq.
Sir Grey Cooper, bart.
Dec. 27. Right Hon. William Pitt, Chancellor of the Exchequer.
James, Marquis of Graham.
John Buller, esq.
Edward James Elliot, esq.
John Aubrey, esq.

MASTERS OF THE ROLLS.

1764. Dec. 4. Sir Thomas Sewell, knt.
1784. Mar. 27. Sir Lloyd Kenyon, bart. afterwards Lord Kenyon.

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Attorneys General.

1783.	Nov. 18.	John Lee, esq.
	Dec. 26.	Lloyd Kenyon, esq.
1784.	Mar. 30.	Richard Pepper Arden, esq.

Solicitors General.

1783.	Nov. 18.	James Mansfield, esq.
	Dec. 26.	Richard Pepper Arden, esq.
1784.	April 7.	Archibald Macdonald, esq.

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1783.	Hon. Henry Erskine.
1784.	Ilay Campbell, esq.

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1783.	Dec.	Sir George Yonge, bart.

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Parliamentary History.

24 GEORGE THE THIRD, A. D. 1783.

FOURTH SESSION
OF THE
FIFTEENTH PARLIAMENT
OF
GREAT BRITAIN.

[*Continued from Vol. XXIII.*]

DEBATE in the Commons on Mr. Fox's India Bill.] December 3, 1783. The House resolved itself into a Committee on the Bill for vesting the Affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public. The chairman having read over the Bill to that part where a blank was left for the names of the commissioners,

Mr. Secretary *Fox* said, that he was going to propose names to the House, which stood so high in the public opinion, that any panegyric he could pronounce could add no lustre to them: he thought he had only to name them, in order to gain the suffrages of every description of men in the House: however, lest he should be mistaken, he would not move all the seven at once, but one by one, that gentlemen might have an opportunity of stating their objection, if any such there should be, to any particular name. He then moved, that William earl Fitzwilliam be one of the names to fill up the blank left for the names of the commissioners. This motion passed without debate. The next gentleman he intended to propose, had, exclusive of his public and private character, than which none stood higher, another thing to recommend him, which, though it was not of itself a qualification, was nevertheless of no small weight on this occasion; he meant that he had been a member of the secret committee, from whose researches so much information had been derived to the House. This gentleman enjoyed at present a considerable employment under the crown; but as there was a clause in the Bill which would render the enjoyment of any lucrative office under his Majesty incompatible with that of a commissioner, he was authorized to say, that his right hon. friend would resign the former. He then moved, that the right hon. Frederick Montagu be one of the said commissioners.

Sir *Edward Astley* said, it was impossible that he could have the least objection to either of the two names just proposed; his only motive for rising was, to ask the Secretary of State if he did not intend that the commissioners should be disqualified to sit in the parliament; for if he did not, the abolition of the board of trade and the reformation effected in that House would be of no use to the public, as the influence which the crown lost by the abolition of the board of trade would be fully recovered by the institution of this new board of commissioners, if they should be permitted to sit in parliament.

Mr. *Fox* said, that he not only would object to disqualifying the commissioners from seats in that House, but was free to declare, that in his opinion such a proposition, if adopted, would have a direct tendency to defeat the very object of the Bill. Parliamentary responsibility was what the commissioners must put on; they must answer parliament for their conduct; and as the constitution of that House had never yet thought proper to exclude ministers of state from seats in parliament, because their presence was deemed necessary on account of the information which they alone were competent to give on many occasions, and also of the responsibility

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annexed to such information, which might be called a species of middle situation between accusation and trial; so he hoped, that on the present occasion, no one would think it advisable to exclude from seats in parliament, men into whose hands the government of India was to be put; a situation to which, perhaps, of all other, the greatest share of responsibility would, and ought to be annexed. The board of commissioners bore no analogy whatever, with respect to ministerial influence in parliament, to the abolished board of trade; for the latter were, while their places existed, removable at pleasure; whereas the new commissioners would retain their situations for a certain number of years, under the authority of an act of the legislature, and independent of the crown or its ministers.

Mr. *Powys* hoped the Bill would never pass into a law; but if it should, he agreed that it were better the commissioners should be in parliament than out of it; but he would not say as much of the eight assistants.—The question was put on Mr. Montagu's name, and carried.

Mr. *Fox* said, that the next name he had to propose was that of a member of that House, who had the merit of being well acquainted with the affairs of India, from a long and diligent attendance in the secret committee: the character of the individual stood in need of no panegyric: he had the honour of being long in his friendship; and not only he, but the House at large were well acquainted with his virtues. He then moved the name of the right hon. George Legge, commonly called lord viscount Lewisham.

Mr. *Arden* said, that the character of the noble lord was unquestionable; but one ground on which the right hon. Secretary had thought proper to recommend him, was that on which, and which alone, it was possible to object to him. The noble lord had been a member of the secret committee; this was the very reason why he ought not to be in the new commission; for it might be thought hereafter a good ground for persons to institute inquiries, the result of which might be beneficial to themselves. The precedent had, in his opinion, a very pernicious tendency.

Mr. *Fox* observed, that it was not a little singular, that the learned gentleman should object to men, merely because they were best qualified: it was really novel, that objections should be started against persons, because they were well versed in the affairs they were to be called on to manage.

General *Smith* said, that there was an ungenerous insinuation conveyed by the learned member's words: the characters of individuals could never be safe if, when acting upon fair and honourable principles for the public good, their fame was to be blasted by an insinuation, that to their own private interest all their labours were directed.—The question was put on lord Lewisham's appointment, and carried. After which, the following names were agreed to: the hon. colonel North; sir Gilbert Elliot, bart.; sir Henry Fletcher, bart.; and Robert Gregory, esq.;

Mr. *Fox* observed, that some exceptions had been taken to the word 'commissioners;' and therefore, in order to accommodate himself to those who disliked it, he would move to have it changed throughout the Bill to 'directors.'

General *Smith* blamed this condescension in the right hon. Secretary; he said, that from the weak administration and mismanagement of the directors, the very name was become contemptible in India; and the people in that part of the world would augur but little good from the new system, if they were to be governed by persons bearing the name of directors; they would not make a discrimination of persons, but would form an idea that all directors were alike; he therefore wished the word commissioners to remain in the Bill.

Mr. *Fox* hoped that the people of India would soon learn, to their great joy, that all directors were not alike. The name was nothing; but as the correspondence from India had been always to directors, he wished not to introduce a novelty, but to let matters in that respect be carried on in the usual way. This was all that was said on this subject, and the motion passed without opposition. Mr. Fox observed, that doubts had arisen about the propriety of giving salaries to the seven directors; for his own part, he was decidedly of opinion, that salaries ought to be given and ascertained; but he would not move any thing on that head, as he was determined to leave that business to the House. But this much he would say, that he was authorized by the seven persons in question to declare, that if no salaries were appointed, they would serve the public without any, and would not hereafter make any application to that House for a recompence for their labour.

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Sir *William Dolben* was decidedly of opinion, that salaries ought to be given to the commissioners; for it could not be expected that they should give up their time and their ease, and some of them lucrative employments, to serve the public at their own expense. They were to be responsible for their conduct; but how could the public, with any degree of decency, bring them to an account, unless they were paid by the public? He was the more desirous that salaries, and large ones too, should be annexed to the situations of the commissioners; for at present, as the Bill stood, there was no way of punishing them, but by removal; and if there were no emoluments, the removal could not be a very severe punishment. They were to have a power to punish the assistant commissioners on misbehaviour; but if they should misbehave themselves, there was no punishment but that of removal. As to the seven persons who had been named, he would not hesitate to commit the empire into their care, as far as integrity and disinterestedness were in question; but as they were not to live for ever, he would not expose others who might come after to temptations, perhaps too great for one in ten men to resist. Human nature must not be exposed to too severe attacks: the patronage of the East was immense; and at a time when there were advertisements in the public newspapers, offering 1,000*l.* for a writer's place, it was prudent to place men beyond the reach of such temptations. He would therefore, when the chairman should have got to the end of the Bill, move a clause for giving salaries to the commissioners.

Mr. *Fox* said, that he believed, in point of order, that could not be done, as public money must be voted first in a committee of supply. And he had another reason for not wishing it to be proposed as a money bill; an occasion might be taken to throw it out by the Commons, if there should be any alterations made in it by the Lords. No one would go farther in asserting the privileges of that House than he would; but still he could not see any reason for carrying the idea of those privileges so far as to throw out a money-bill in which the Lords should make alterations, provided it were not in the sums voted. He was now going to propose the assistant directors, for whom he certainly would move for salaries; and as they were to be paid out of the Company's funds, and not with the public money, there would be no ground for rejecting the Bill in the lower House, if it should undergo alterations in the upper. He had originally proposed to appoint only eight assistants; but having since conversed with some gentlemen on the subject, it was suggested to him that it would be proper to name nine, for the convenience of committees, that if there should be three sitting at once, there might be three members to sit on each of them. But though he intended to propose a larger salary than the present directors receive, and to add a ninth to the eight he had originally mentioned to the House, still there would be a saving to the Company in the salaries of the directors: at present, each receives 250*l.* a year, except the chairman and deputy chairman, who have each 100*l.* a year more; but then there was a table kept for them, the expense of which amounted to about as much more; so that the directors cost the Company about 7,500*l.* per ann.: now he proposed to allow the nine assistant directors 500*l.* a year each, without any table; which would make in all 4,500*l.* per annum; and therefore there would be a saving here of 3,000*l.* a year to the Company. It had been hinted, that though it might be proper to suffer the seven commissioners to sit in parliament, still it might be as proper to exclude the assistants, who were removeable at the will of the former. But to this opinion he could not subscribe; for, in the first place, they were not to be removeable at discretion, but after a trial, and proof of delinquency; and the vacancies were not to be filled up by the crown, but by the court of proprietors; and therefore ministerial influence was totally out of the question: but in order to quiet gentlemen's minds on that head, he intended to move that they should not be removed, except five out of the seven commissioners should concur in the vote for removal. This applied to the principle of the objection that had been stated; but very little to the names that he should propose; as among the nine there would be found only one member of parliament. He then moved that the names of the following gentlemen be inserted in the Bill as assistant directors: Thomas Cheap, George Cuming, John Harrison, Richard Hall, John Mitchie, Stephen Lushington, John Smith, George Tatem, and Jacob Wilkinson, esqrs. The last gentleman was the only member of parliament among them.

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As no one of them was to have precedency over another, Mr. Fox moved them in alphabetical order. A conversation took place here, to determine whether they should be disqualified from their seats in parliament.

Mr. *Burke* said, that it was a new species of disqualification, never thought of before; and while gentlemen were anxious, and justly so, to guard against the influence of the crown, they ought to take special care not to destroy one of the dearest franchises of the people, that of being eligible to a seat in parliament.

Sir *James Lowther* replied, that though this should be a new species of disqualification, it was not to be rejected on that account; the disqualification of contractors was a new species of disfranchisement, but it had nevertheless been adopted by the House. He declared the Bill itself the worst species of disfranchisement he had ever seen; it was, in his opinion, the death warrant of this constitution.

Mr. *Fox* would not press the House to decide upon that question then; the business might be again taken up on the report; and if he should hear good arguments for the disqualification, he would not obstinately oppose it; he would pledge himself to nothing, but he would listen to reason.

Mr. *Hussey* said, he would, on the report, move a clause to disqualify the assistant directors from seats in parliament.—The question was then put on the nine names together, and carried. The blanks in several other clauses being filled up,

Mr *Fox* came to the term for which the commission should last. For his own part, having stated two terms, the one of three, the other of five years, he was decidedly in favour of the longer; however, he knew that there were opinions of very worthy men against him on that point; he would therefore rather be led than lead in this business; and before he should move any thing on the subject, he wished to consult the judgment of the House.

Sir *W. Dolben* said, that though he was most decidedly a friend to the Bill, and had the highest opinion of the names which had been inserted in it, still as powers were given to them which nothing but the greatest necessity could warrant, he was unwilling to grant these powers for a long time; and the more so, as there was no other punishment that could be inflicted on the commissioners, than a removal from their employments.

Mr. *Burke* declared, that if it should come to a question, he would not divide against the worthy baronet. He assured the worthy baronet, that from the knowledge he had of India affairs, he was decidedly of opinion that the term of three years would be too short to carry into effect the object of the Bill. The subtilty and dexterity of the Company's servants, the immensity of their riches, and the distance of the country, would throw obstacles in the way of it, which those gentlemen who had not made India affairs the study of a good part of their lives, could scarcely foresee or guard against it.

Mr. *Dempster* was of opinion, that three years would be too short a time for the carrying into effect the provisions of the Bill.

Sir *W. Dolben* said, that perhaps three years might be too short; he would therefore agree to enlarge it to four; but he really thought it would be improper to go a greater length.

Mr. *Fox* readily closed with the proposal: he said, that if the Bill should not have made any progress in four years towards the attainment of its object, he believed it never would; and if a progress should be proved to have been made in that time, with which the nation should have cause to be satisfied, he made no doubt but the term might be enlarged without any opposition.—The blank left for the duration of the commission was filled with the words four years.

Sir *W. Dolben* said, that foreseeing some difficulties in the way of the motion he intended to make for the salaries of the commissioners, he would defer it for the present.

Dec. 5. On the order of the day for taking into consideration the report of the said Bill,

Mr. *Fox* said, he understood that an hon. member intended to move a clause, by which the nine assistant directors should be rendered ineligible to seats in that House; for his part, he could by no means approve the principle on which such a clause could be founded: however, if the hon. member was determined not to give up his idea entirely, he would, in order to shew that he was not looking for parliamentary influence, propose a compromise: he would consent to a prospective disqualification, provided it should not extend to the only director under the new Bill, who had a seat in that House:

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if the hon. member would accede to this proposal, he would certainly not oppose his clause; but he was authorized by Mr. Wilkinson to say, that he would not accept the office of director, if by so doing he was to be deprived of his seat. It would therefore be necessary, if the hon. member should persevere in his intention, to move for the insertion of some other name in the Bill, in the room of Mr. Wilkinson's.

Mr. *Dempster* thought the proposal perfectly fair, and wished the hon. member would accede to it.

Sir *W. Dolben* thought that at least two of the assistant directors ought to be in parliament, in order that, when occasion should require it, they might give such information as might be useful: there was a good deal of difference between a director standing at the bar, and that of a director sitting in the House; the former would take up much more time, and be much less satisfactory than the latter.

Mr. *Hussey* said, that having maturely considered the proposal, he was sorry he could not bring himself to think it ought to be adopted; but, satisfied as he was of the necessity of disqualifying the directors from seats in that House, he could not consent to recede. It had been said, that it would rob Englishmen of the most honourable franchise they were possessed of, that of serving this country in parliament: to this he would say, that a few were to lose that franchise for the benefit of the many, that the constitution, under which all franchises are enjoyed, might not be brought into danger. He then moved for leave to bring up his clause.

General *Smith* seeing that the Secretary of State was willing to give way to a clause, which was so well supported on the other side of the House, had no hopes that his opposition to it would be successful: but still he would oppose what he conceived to be an attack upon the franchises of the nation, which had not even the plea of necessity to support it. The assistant directors were independent of the crown and its ministers, because they could not be removed but for a fault; and if the principal directors were to dismiss them without a sufficient cause, the chief justice of the King's-bench would restore them: therefore, being independent, they were not under the influence of ministers. Where, then, was the necessity of disqualifying them from seats in parliament? If it was to guard against influence, he would say there was no influence; and therefore the clause would be unnecessary. He thought it highly indecent and improper to propose to vote away, in so thin a House, the highest franchise of Englishmen.

The clause being brought up,

Mr. *Wilkinson* said, he had never given a vote in that House under any improper influence, and he hoped he never should: emolument of office was not near so dear to him as the franchise of being eligible to sit in that House; and as he was resolved to renounce the former sooner than give up the latter, he begged that that House would consent that his name should be struck out of the Bill.

The clause passed without a division.

Dec. 8. On the order of the day being read for the third reading of the Bill, for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public,

Lord *Mahon* rose, and said, he had a petition to present against that infamous Bill. He insisted on having a right to express his contempt of a measure, which he regarded with the deepest aversion, by what epithets he pleased. If the Bill had passed, he should, out of respect to parliament, avoid so harsh an epithet as 'infamous;' but he trusted it never would be enacted into a law, or assume any form which merited from him the least veneration or respect. For the last time he should have it in his power, it was his duty and his pride to reprobate the whole proceedings in this matter in the severest terms. It marked the conduct of the minister in very striking colours. The right hon. gentleman, whose child this monstrous, and he hoped abortive, production was, had in a former debate spoken of himself as a general, under whom the less danger was to be dreaded, seeing that, were the right hon. Secretary inclined to encroach on those sacred rights of the constitution, in the defence of which he had spent a great many years, the various officers who still acted with him, would certainly desert their posts; but he forgot that the left wing was commanded by the noble lord (North). From this ominous junction, doubts of the consequences had certainly prevailed; and, in his opinion, this obnoxious Bill was one of the first fruits of such a corrupt tree. As the Bill for disfranchising the India Com-

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pany was an attack upon chartered rights in general, it was not surprising that corporations should take the alarm: the petition which he held in his hand was a proof that the alarm had really gone forth. He then moved for leave to bring up a petition from the mayor, aldermen, &c. of Chipping-Wycomb.—The petition was brought up, and read. Mr. Fox then moved, that the Bill be read a third time.

Mr. *Hamilton* said, that not having had it in his power to deliver his sentiments on the Bill at any of its former stages, he rejoiced that even at this last stage he had an opportunity of expressing his abhorrence of a measure, which he verily believed would completely overturn the constitution. He hoped that this first opportunity he had of speaking his sentiments freely, and unawed by any influence, would not be the last; but he greatly apprehended that, if a Bill so flagrantly adverse to every principle of the constitution should pass into a law, that House might indeed be suffered to meet in future, but it would be only to become the speaking trumpet of a faction, and the tool of ministerial influence. The liberties of the nation he conceived to be in the utmost danger: if the Bill should pass, he was convinced that it would swallow them up; the influence of the crown would receive such an increase, that it would be enabled to break down every thing before it. The House would scarcely hesitate to believe this assertion, when they recollected the immensity of patronage in India, where the revenue amounted to some millions a year. The only justification that had ever been attempted of a Bill which violated the chartered rights of Englishmen was, that necessity called for it: but how was that necessity demonstrated? By a false state of the East India Company's accounts, which held them out to the world as ruined in their affairs; falsehood only could support such a measure. The falsehood did not, however, long impose upon the House; for in a very short time after the right hon. Secretary had declared the Company bankrupt for five millions, he was driven, by the force of truth, to disavow, in the face of the House, what he had with so much confidence, and with so little foundation, asserted on a former day. [Here Mr. Hamilton was interrupted by the Speaker, who announced to the House that there was a member at the bar waiting to be introduced and sworn. Mr. Flood was the member who was then at the bar: he was immediately introduced, and having been sworn at the table, took his seat.] Mr. Hamilton then proceeded: he said the Bill had been brought in under the most insidious pretences, and had been hurried through the House with the most indecent precipitation, or he was convinced that the table would overflow with petitions from all the corporations in the kingdom. But having been taught at first to think that the state of the Company's affairs, as described by the right hon. Secretary, was founded in fact, they fancied that there really might be a necessity for the measure, and therefore acquiesced in it; but, now that they understood the right hon. Secretary had disavowed all he had said of the bankruptcy of the Company, a serious alarm had spread itself through the nation; and though it was now too late for the corporations to petition that House, they were preparing petitions to the House of Lords, and to the throne itself, for protection against such a measure, which struck at the security of chartered rights, and every species of tenure in the kingdom. The House would certainly recollect with what unbecoming firmness the right hon. Secretary had resisted a proposition to wait only for a day, until gentlemen should have had some little time to inquire into the state of the Company's accounts. It was upon the idea of their being almost irrecoverably bankrupts, that the House had consented to the bringing in of the Bill: the Company, by their counsel, offered to prove that they were far from being in a bankrupt state, and prayed to be permitted to bring evidence of this fact to the bar: but their prayer was rejected; and the members, deprived of the light that such evidence would throw upon the business, had not time allowed them to make any inquiries, in order to satisfy themselves of the sufficiency or insufficiency of the Secretary's exceptions to the state laid before the House by the Company; and yet, without any knowledge upon the subject, they were now called upon to give their votes for a measure, which could not be supported by any man, except under an idea that he was satisfied that the accounts laid before the House by the Company were false. He flattered himself that there was still independence enough in that House to withstand the most daring attempt that had ever been made upon the liberties of the nation; but if he should be

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mistaken in that hope, he still trusted that the other House would interpose, and, by rejecting the Bill, preserve the country from the fetters that were forging for it. Should the Lords, however, forget their own dignity on the occasion, and should the sovereign be prevailed upon to desert himself, by giving the Bill his royal assent, he was sure that the monarch would, in future, be little more than a cypher, and the liberties of the people annihilated. Credit had been given to the right hon. Secretary for having brought forward, like a man, a bold and daring measure. In his conception, the word 'daring' was applicable only when it was contrasted with danger; for where there is no danger, there can be no daring. Upon this ground he would venture to say, that he would not give the right hon. Secretary much credit on this head; for, sure as he was of a majority, he had but little to apprehend; and persons, much less courageous than the right hon. member, would, in similar circumstances, have been as daring. There were persons in the world who might have talents enow to sow the seeds of sedition, and stir the people to tumult, while, at the same time, they might have the prudence and dexterity to escape the danger of being known to have been instrumental in the business. To have braved danger in such circumstances, would have been daring indeed; but to come forward with strong measures, when there was a majority to support them, was not, in his opinion, the most striking instance of a daring mind. However, the daring of the right hon. Secretary had already driven the India Company almost to despair; and, as a proof of this assertion, he would inform the House of a circumstance, of which they probably were as yet ignorant: the Company were actually deliberating about carrying their charter to the foot of the throne, declaring themselves bankrupts, and calling upon their sovereign for his protection, to secure to them their private property. If such a corporation as that of the East India Company was reduced to such a necessity, and was treated with so little ceremony, what had not the other corporations of the kingdom to look for? They might naturally expect to be disfranchised one after the other, until not a particle of liberty could be found in England, and their property confiscated at the will of ministers.

Mr. *Nicholls* said, that having heard the harsh epithets that gentlemen had bestowed on the Bill, he thought it due to his own character to state the reasons that had induced him to support hitherto such a Bill, and would make him vote for it, till it should happily have passed the House. Gentlemen had used, as well in the present as in the former debates, two expressions, and applied them to the Bill, which, in his opinion, were as inapplicable to it as it was possible to conceive: these two words were 'disfranchisement' and 'confiscation.' A few observations would serve to prove, that, in the present instance, they were misapplied. What was the franchise which the Company enjoyed under their charter? That of monopolizing the trade to India. Was the Bill going to take from them this franchise? Was the trade to be thrown open, and the monopoly abolished? By no means. Their franchise would exist as firmly after the passing of the Bill as at present; and consequently there was not the least ground whatever for saying, that by the Bill the Company would be disfranchised. So much for disfranchisement. As to confiscation, if he understood the meaning of the word, it was applicable only to a case where a person's property was taken from him, and applied to the use of another. Could the word 'confiscation,' according to this explanation, be in any manner applied to the Bill? If it could, he confessed he was not able to see how; for the commissioners who were to be invested with the government of India, were to manage the affairs for the benefit of the Company. Their dividend was not to be taken from them, or diminished; and the commissioners themselves would still be controlable by the proprietors, through the medium of parliament. The distressed state of the Company, on which the plea of necessity was founded, could be best proved by the repeated applications to parliament for relief. What had brought on that distress, which made relief necessary, was not a mystery to that House: mismanagement had been nearly the ruin of the Company; and hence it appeared how absolutely necessary it was that some system should be adopted, which should introduce wholesome regulations, that might at once preserve India, and retrieve the Company's affairs. He would not say they were actually in a state of bankruptcy; but this he would not hesitate to advance, that if a private merchant had done any of the many acts

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which the Company, from necessity, had done, such person unquestionably might legally be made a bankrupt.

Mr. *Wilkes* said:

Mr. Speaker; I rise with the deepest anxiety to endeavour to prevent the further progress of this Bill; because, in my opinion, it destroys the ancient established forms of all parliamentary proceedings in this House, violates the national faith, subverts every principle of justice and equity, and gives a mortal stab to this free constitution. Sir, the forms of proceeding in this House were wisely established by our ancestors, after the most mature deliberation, as a guard against surprise by any ministers, and to give our constituents timely information of what was doing in parliament, that the collected wisdom of the nation might be appealed to and known on every occasion of moment. This accounts for the slowness of our proceedings compared with the mode of passing bills in the other House of parliament. Their lordships have no constituents, whom it is a duty to consult. In the progress of this Bill, the invariable rules and orders of the House have been set aside without the least shadow of necessity, almost without the slightest pretence; and the Bill continues to be hurried on with indecent haste. When the right hon. Secretary moved for leave to bring in a Bill for the better regulation of the East India Company, he stated the desperate condition of the Company's finances as the sole ground on which he stood. He represented it as a case of absolute and immediate necessity for the interposition of the legislature. He expressly disclaimed every other motive, although he invidiously went at large into every supposed delinquency of Mr. Hastings, and almost every other servant of the Company, for many years. He did not, indeed, in terms assert that the Company were in a state of bankruptcy; but he declared, that they owed five millions more than they were able to pay; and went into a variety of accounts, without any attempt at the smallest proof of what he advanced, or calling for a single paper, in so great a variety of matter. He pledged himself for the most scrupulous accuracy, yet, in the very moment, forgot to give the Company credit for an immense floating property, for all their stores, goods, and merchandizes, in the warehouses at Calcutta, Bencoolen, Bombay, Fort St. George, and other factories in the East. An omission of this importance could not proceed from ignorance, where infinite pains were taken to examine into the most minute particulars; nor from carelessness, where no trace of a heedless inattention, or forgetfulness, was ever observed. It argued a total want of good faith, a deliberate resolution of taking the House by surprise: and it succeeded with a weary, puzzled, and embarrassed audience. Leave was given to bring in the Bill.

Sir, I not only complain of an omission of this magnitude on the credit side of this pretended account of the Company's affairs, but likewise of the suppression of some interesting facts, which ought to have been brought forward, and placed in a strong and full light. It appears by the printed accounts of the general state of the affairs of the Company, published by order of the general court, "that the arrivals have been put so much out of their ordinary course, that only 13 ships arrived in the season 1782, and 11 in the season 1783, while 45 are left to arrive in 1784, besides 10 more, which are now abroad, and will be kept in India, so as to arrive in 1785, at the same time with most of those now under dispatch from hence." Was it, Sir, consistent with candour, or even justice, to suppress facts of this moment, in a long and laboured investigation of every circumstance respecting the first commercial company in the world? The reason, however, is glaring. The property which these ships will bring home, cannot fail of placing the finances of the Company on as solid a foundation as the most interested proprietor could wish, or the most avaricious and grasping minister desire: but alas! it is a distant day, and the moment is pressing, big with the fate of ministers. Needy dependents grow importunate and clamorous, as being used not to give but to take credit. Present plunder is preferred to future golden dreams of all the treasures of the East, and with consummate prudence, amid all the chances and changes of this political ministerial life. It was artful to keep back, and out of sight, the resources of the Company, and enlarge only on their present difficulties, which were brought on by the late war, and the restraints laid by parliament itself on their power of extricating themselves by extending their credit in the circulation of bonds to a moderate amount. The unfairness of the whole proceeding must

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strike every man. A noble lord (Mahon) with an honest zeal, has called the Bill an infamous Bill. No epithet can in my opinion reach the enormity of its guilt; and therefore I shall content myself with calling it a swindling bill, drawn and presented by the right hon. Secretary to obtain money on false pretences.

A lawyer on the floor, who spoke last, has told us, that the Company are actually bankrupts, because they have not paid their debts, nor can they at present. Is then every man, who does not, or cannot, at a particular time, pay every legal demand, a bankrupt? Has the worthy member no more tenderness and delicacy for the characters of so many illustrious persons all around him? I respect the honour of the majority here too highly to suffer them to be called bankrupts. Such an assertion shall not go forth to the world uncontradicted. Is the learned gentleman yet to be taught the difference between bankruptcy and insolvency? The right hon. Secretary was more cautious. He did not pronounce the Company bankrupt: he only endeavoured to make them out insolvent at present to the amount of five millions, with little chance of a future day of payment without his generous assistance. The same lawyer assures us, that the present Bill is neither a Bill of confiscation nor disfranchisement. He will excuse me for stating to the House my reasons for believing it both. What is the idea of confiscation? Is it not the seizing by violence the property of one individual, and transferring it to another? It is impossible for this to take effect in a fuller and clearer manner than is directed by the East India Bill. I defy any lawyer to shew me an act of confiscation more forcibly and explicitly drawn. The words of the fourth clause of this Bill are, "The directors of the said united Company, and all other officers, and ministers, and servants thereof, are hereby enjoined, immediately upon the requisition of the said commissioners, signified under their hands and seals, to deliver up to them" [the new commissioners], "or to such person or persons as they shall for that purpose appoint, all such lands, tenements, houses, warehouses, buildings, books, records, documents, charters, acts, instruments, papers, ships, vessels, goods, wares, and merchandizes, money, securities for money, and all other effects whatsoever." Imagination is at a loss even to guess at the most insignificant trifle, which has here escaped the harpy claws of the hungry and ravenous Coalition. One idea, indeed, generally precedes the word 'confiscation,' and that is a presumption of guilt. In the present instance, no crime whatever has been alleged. The argument of the right hon. Secretary for the Bill was only the actual poverty and desperate condition of the Company; but the real motive we all know is the certainty of the present spoils, with future accruing wealth, and immense patronage, to enrich an Indian heptarchy of his creation, and, through his tame viceroys, the Trinculo viceroy of Asia. In the Bill, Sir, as drawn and presented to the House by the right hon. Secretary, there is no clause inserted of any trust created for the benefit of the proprietors. In the committee, indeed, the words have been added, "in trust for, and for the benefit of the proprietors;" but, in case of the grossest abuse of trust, to whom is the appeal? To the proprietors? No, Sir, they are to have no further concern with their own property. Is it not then confiscated? The appeal is to a majority in either House of Parliament, which the most drivelling minister could not fail to secure with a patronage of above two millions sterling given him by this very Bill.

Sir, the Bill is likewise said not to be a Bill of disfranchisement, because it does not take from the proprietors their right to an exclusive trade, or monopoly. Was this monopoly the only franchise of the proprietors? There is property in this kingdom to which a franchise is annexed. The franchise may be taken away, yet the property remain. To a freehold, for instance, is annexed a right of voting for members of parliament. We have seen that franchise taken away, and yet the freehold remained untouched; but the spirited freeholder of Middlesex, and the nation at large, loudly and justly complained of the disfranchisement. The case is parallel as to East India stock. Persons possessed of stock to a certain amount are entitled to vote for the appointment of their own servants both at home and abroad, to manage their own property, in which they are clear-sighted enough, and to direct and superintend all their commercial concerns, with a general power of control. This surely is a most valuable franchise. It was understood to be purchased with the stock. The purchase-money was more considerable from this intrinsic value,

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which it was supposed to possess. This franchise is to be taken away by the Bill, and yet one gentleman among us can assert that the East India proprietors will not be disfranchised. God forbid the people of England should have many such defenders of their franchises and liberties in a House of Commons!

If the House, Sir, will attend to what has passed since the introduction of this Bill among us, they will see, that if we mean to preserve our ancient parliamentary forms of proceeding, we cannot suffer the farther progress of such a Bill. When leave was moved for its introduction, the right hon. Secretary, as the sole motive of his conduct, gave an alarming account of the desperate state of the finances of the Company. He painted, in the darkest colours, the state of their debts and incumbrances, which he made amount to several millions. A worthy member of this House, a director of the East India Company (Mr. Samuel Smith), flatly contradicted the assertions of the Secretary, and pledged himself to prove the unfairness of all his calculations. The Company have since given to the public a very different state of their affairs. We have a clear "statement of the debts, credits, and effects of the East India Company," carried up to Dec. 1, 1783. But where is the account of the right hon. Secretary to be found? That does not admit of such a scrutiny: that is authenticated by no signature, nor proved by any paper on our table. No two persons in this House agree to-day in the particulars of the long, laboured harangue of yesterday, but there is a precision in what is thrown on paper. It is, however, liable to detection, and even seems to invite an acute examination, which may ill suit the purpose of a minister. Here then, Sir, the honour and justice of this House are deeply concerned. One member brings forward a bold assertion of various facts, on the truth of which he asks leave to bring in a very harsh and severe Bill, to use no more violent expressions. Another member, more immediately concerned, having the proofs daily under his eye, denies the truth of every proposition advanced by the member who moved for the Bill, and dares him to the proof at your bar. The case does not admit any fraud, fallacy, or deception. The challenge is perfectly fair, for no demonstration can be superior to that drawn from figures; yet the challenge is declined. No proof of any kind is hitherto offered in support of the Bill. The case then is at issue, and every principle of justice forbids us to proceed, till the facts are ascertained, till we know whether a real necessity exists, or whether it is only made the pretence to colour a deep-laid plan of ambition, wealth, and power. The forms of parliament are first to be sacrificed, and then its independency.

This Bill, Sir, appears to me to violate the national faith in a high degree; for it annihilates the charter of the East India Company, a charter purchased of the public, and secured by the sanction of parliament. The violation of the American charters, which has been followed by the loss of our empire in the West, would have deterred any ministers less rash, less impetuous, from this dangerous experiment of tampering with charters. Not a corporation in the kingdom, not a charter, not the great Charter of our liberties, not a deed, not a contract, not a document, not a security, no species of property, can be safe against bold, violent, unprincipled men acting thus in the plenitude and wantonness of power. This Charter did not owe its birth to the foolish passions and prepossessions, or the mad prodigality, of any of the Plantagenets, Tudors, or Stuarts, in favour of a crouching, servile courtier, or knavish, interested dependent. It was a fair purchase made of the public, an equal compact for reciprocal advantages between the nation at large and the body of the proprietors. The purchase-money has been actually received by the public, and consequently the proprietors have a just claim to what was stipulated in their favour. I agree, Sir, that there is no charter which may not be forfeited by delinquency, but the charters of the city of London, for they are excepted, by an express Act of our glorious deliverer, from the necessity of preserving the peace of the capital; but no delinquency of any kind is now made a charge against the East India directors, proprietors, or any of their servants. The distress of their circumstances alone was alleged as warranting such a Bill. I am very ready to admit, that some particular servants of the Company have been guilty of enormous crimes in the East. Is that a reason for punishing the directors and proprietors in Leadenhall-street? Has the least degree of guilt been imputed to them? I wish rather to add to their powers over their own servants; and then I am satisfied, that guilt of the deepest

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dye would speedily be followed with the most exemplary punishment. I see no objection to giving the directors most of the powers of this Bill, but think that it would be highly politic. Let me state to the recollection of the House a recent transaction, in which the interests of the Company, and the national honour, were deeply wounded. When, after every possible delay, the authors of the late revolution at Madrass, and the subsequent murder of lord Pigot, were brought into an English court of justice, and a jury pronounced them guilty, what was the sentence? A trifling mulct, and not an hour's imprisonment. The fine, which they paid in court, was scarcely a fiftieth part of the spoils of a wicked usurpation of the supreme government, both civil and military, followed by the murder of the governor. The public were insulted, even in the hour of trial, by a vain ostentation of what the criminals were prepared to have disgorged, before the fears of their troubled consciences were quieted by a solemn mockery of justice. Such a conduct marked the partial and feeble hand of the law at home; for surely, Sir, such crimes called for severity against the daring perpetrators, as well as to deter future delinquents. They may from this lenity learn with perfect safety, and immense profit, to perpetrate the trifling crimes of mutiny, rebellion, and murder, disgorging only a small portion of their ill-gotten wealth. I have no objection, I confess, to restraining the Company to the primary object of their Charter, to their original views of commerce, with a proper power over their own servants. I little relish the idea of a few merchants governing, as sovereigns, the three powerful states of Bengal, Bahar, and Orissa: it is inconsistent with political order, and the subordination of British subjects. The Jesuits were justly expelled from almost every government in the old and new world, not from a system of silly tenets, which not one in an hundred of them believed or cared about, but from their attempting to establish the *imperium in imperio*, which no state ever suffered with impunity. I venerate the wise maxim of a commercial policy, that, while it is adding to the national wealth, forms an invincible bulwark by the strength of a powerful navy; but I detest a scandalous, heterogeneous traffic of war and trade, plunder and commerce, peculation and murder, extortion, rapine, and corruption. The national character has been lost in Hindostan. Provinces and kingdoms have been bought and sold by the Asiatic generals and governors of the Company, against the strongest orders of the directors and proprietors, and the lives of some of the most harmless princes who have ever reigned, set to sale. The mischief soon gains Europe; and we experience at home all the calamities which Rome suffered in the declension of her empire, and from the same quarter, from the East. We are ruined by the luxury and venality of our own wretched, despicable offspring, and all the vices of the East, which they propagate here too successfully, when they return to purchase protection and indemnity for their crimes, or a seat in this House for sale to a corrupt minister. I therefore, Sir, highly approve a Bill for the government of the territorial possessions and revenues of India, which ought to depend on the state; but the regulation of all commercial concerns, I shall ever think, ought to rest with the proprietors and directors. This is their province; and to this they are as competent as they are inadequate to dominion and the rule of empires.

Sir, I look upon this Bill as the bitter fruits of the coalition. After the fatal consequences of the noble lord's attack on the American charters, I cannot think he would have ventured on this direct violation of the franchises and property of a great Company, if he had not been in impious league with so daring a colleague. Not a man who hears me can believe that such a Bill had ever appeared, if the wordy war had gone on between the two secretaries. The noble lord indeed had made some former faint attempts, and for a good while cast a longing eye on the fair prey, but he dreaded his opponent. When he had secured a fit accomplice, the plan and share of the plunder was adjusted, and then the robbing of the East-India Company resolved. The *Duumviri*, *auro*, *argento*, *ære*, not *flando*, or *feriundo*, but *rapiundo*, meant to proceed by this Bill to the seizure and confiscation of all monies, securities for money, goods, wares, merchandizes, &c. with as little scruple as in elder times any triumvirate, or decemvirate, ever used. I protest, Sir, I do not feel the least personality against either of the chief members of the coalition; but I dread the monstrous, unnatural union of such incongruous, discordant particles, because they could only be brought to

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coalesce for the division of the public spoils, and the sharing of all power among themselves, to the destruction of the public liberty, and the independency of this House. I believe that the noble lord possesses perfect personal integrity. His own probity is unblemished: but a lust of power, and an unhappy indolence of temper, combined to make him, through the course of the last war, connive at almost every man in every department fleecing the public beyond the example of all former times. His own hands were clean; not so those of the whole tribe of his contractors and dependents. The noble lord has a rich vein of pure, elegant, classical wit, the most easy manners, and unaffected good-nature, with every amiable and companionable quality. He is formed to be admired and beloved as a private nobleman. Would to heaven I could commend his reverence for the constitution, his love of liberty, and his zeal for the preservation of those noble privileges and franchises, which are the birthright of Englishmen! With his colleague I have acted against his lordship for many years. I fought by his side through the whole American war, and in all the spirited struggles against the too great power of the crown. I have frequently been in raptures from the strains of his manly eloquence, the force of his reasoning, and the torrent of his oratory. So perfect a parliamentary debater this House has never known. I grieve when I recollect how unavailing all our tedious struggles have been, and that so large a part of the empire has been torn from us; but I am indignant when I see the noble lord in one of the highest offices of the state, brought back to power, and caressed by the very man, who undertook to impeach him, as the great criminal of the state, the corrupter of parliament, the author and contriver of our ruin. He protested that he could not trust himself in the same room with him. At another time he said, "he consented to pass for the most infamous man in this, or any country, if ever he made part of an administration with the noble lord in the blue ribband." I do not forget, Sir, attending my sovereign the last year, by the command of the freeholders of Middlesex, "to thank his Majesty for having removed from his counsels, men, under whose administration calamities, so many and so great, have befallen this kingdom, and for appointing ministers, in whom this country had, and are willing to have, the fullest confidence." That confidence could never have been lost, but by the dereliction of every principle, and every promise. The right hon. Secretary assured us in the first week after his accession to power, that he found every thing much worse than he could have suspected. Has he instituted the least inquiry into the causes of the dismemberment of the empire, and of the disgraces of the British fleet during so great a part of the last war, for which he has so often solemnly pledged himself? In breach of repeated public engagements, and almost daily pompous professions, he has joined the enemy of America, by which he has lost the confidence of every man on the other side of the Atlantic, which he had acquired in some degree, and might have made useful to this country.

Sir, another strong objection to this Bill arises from the enormous power, in the end necessarily to accrue to the crown, and perhaps directly by collusion with a minister. It is, Sir, a patronage of above two millions sterling a year, of which the Company will be deprived. Wherever such a patronage falls, it cannot fail to overturn the balance of power in this well-poized constitution. All the governor-generals, lieutenant-governors, counsellors, presidents, council of commerce, factors, writers, every thing civil and military, from the general to the subaltern, in the various establishments throughout Asia, and at home every thing of profit in Leadenhall-street, to the very warehousemen, clerks, and porters of the House, are included. Such an influence in this age of corruption could never be withstood. I consoled myself, Sir, under the loss of America, because as the first object of my wishes was the immortality of the liberties of my country, and I had always thought "that the influence of the crown had increased, was increasing, and ought to be diminished," three propositions regularly supported by one half of the coalition, and regularly opposed by the other half, I imagined that the considerable diminution of regal power by the loss of the appointment of thirteen governors, thirteen lieutenant-governors, chief justices, judges, attorney and solicitor-generals, receivers, collectors, comptrollers, custom-house officers, &c. with the military government of Minorca, and the two Floridas, no longer rendered the crown an object of terror. If, however,

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the immense patronage of Asia is to be given to the crown, its overgrown power must soon swallow up the two other branches of the legislature, and the sovereign of England will become as perfect a despot as the monarch of France, Spain, or Prussia. If it is to be seized by a minister at the head of a proud and hateful aristocracy, both the sovereign and the people will be the slaves of a faction. One only resource will remain in the great revolution of human events, which the womb of time may bring forth, a circumstance not to be regretted, perhaps to be wished, by the real friends of humanity. It is an event possibly not very distant, that the French, Dutch, and Portuguese, as well as the English, may be entirely swept away from the countries in the East, which they have cruelly laid waste, and made the theatre of the most flagitious enormities. The peaceful natives will then be at rest, happy under the mild government of their own princes. Commerce will then no longer be fettered by a monopoly, but spread its swelling sails as freely over the gulph of Bengal and the Indian seas, as on the coast of China and Japan, on the Atlantic, or the Mediterranean.

May I beg the indulgence of the House for a very few more words? We have an Act to prevent officers of the Customs and Excise from voting at elections of members to serve in parliament—a truly wise and excellent regulation, dictated by the spirit of liberty. Should this Bill pass into a law, I will move the same kind of restraint with respect to every man employed under the intended East-India commission, to diminish in some degree the incredible weight of influence which it will create. I will bring to the test the consistency of the great Whig families, of whose support we have heard so much from the right hon. Secretary; and I doubt not of the effectual assistance of every independent character in the House. I do not, however, despair of the total rejection of the present Bill. I will only add, that if we do not strangle the monster in its birth, it will destroy the freedom both of the parliament and people.

Mr. *John Luttrell* said, he had given the utmost attention in his power to every material argument that had been used either for or against the Bill, and was decidedly of opinion that it ought to pass; but he did not much wonder to see some opposition follow it to the last, because he had observed, that no sooner did the Speaker shortly state the contents of those clauses that were to vest in certain commissioners, since named by the Bill, the management of our East India possessions, than it roused the fire of the statesman, and the envy of the politician; some gentlemen, he said, seemed instantly to lose sight of the necessity and efficacy of the measure, in the jealousy which they felt at the influence it might give the minister, who would have the nomination of the men. This he considered as the leading star of opposition to the Bill; here he had seen the shoe of party to pinch to a degree that some of its votaries were unable to bear with temper; but he did not think, either as an East India proprietor, or as a member of parliament, sent there to guard the interests of the community at large, that he ought to be led away by the private interests of any particular party in that House. He approved the Bill as it was then completed, because it met his ideas of what appeared necessary and proper for this country to do upon the occasion; and he was persuaded that it would ultimately tend to the honour of Great Britain, to the prosperity of the East India Company, to the gain and stability of all the proprietors; for there were not two opinions in that House; but the noble earl proposed to preside at that board, and the six chief directors would be found much more equal to the governing our territorial possessions in India, than those who heretofore had the management of them; and it was generally agreed by the House, that it would be extremely impolitic at the present moment to separate the territory from the commerce of India. If so, why then, as the assistant directors were all men of business and ability, it appeared to him that the whole arrangement of the Bill was perfectly judicious; for with respect to the directors being members of parliament, the House would have the advantage of their presence to give information whenever it was sought for, and account for their proceedings when required to do so. As for the alarm which some gentlemen expressed, that the patronage might give an undue influence to the crown, or to the minister, he verily believed it would not outweigh their just proportion of power in the constitutional scale, however it preponderated in the political one of those who had been ministers, and might wish to be so again. He

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would freely confess, however unpopular it might be, that he never should think any man deserved credit for having been instrumental to reduce the power of the crown to its present extreme, neither would he have boasted of it, as some gentleman did, if he had concurred in the total annihilation of the board of trade. Some gentlemen contended, that we should give up all our East India concerns into the hands of the native princes, and bid them be happy; but by consenting to that, they would in the same breath declare the East India Company bankrupt, with many of its connexions. The seaman, the artificer, the manufacturer, and labourer, must all sink in one general ruin: additional poverty and distress would pervade every part of this island. He then asked if the alternative proposed by a bill of a learned gentleman, and by himself personally, was much more acceptable? He thought not; for he desired to strip the language of the learned gentleman, and that of his friends, of the flowers of oratory, and see if the essence of it, reduced to common sense, did not amount to this: We are ready to declare that the Company are incompetent and unfit to govern their territorial possessions in India, therefore we consent that you should take them away; but we desire that all the patronage, all the control, power, and management of their commerce, may be left, as heretofore, in the hands of the directors; he said, for what, for the benefit of the proprietors? No. For the benefit of their own political convenience? Yes. For the learned gentleman declared, and his friends declared, that they would arrest out of the hands of the court of proprietors all power and control over those directors, and then the patronage, the secret influence, and the public power, given by other acts of parliament, must all center with the minister of the day; and whatever conduct those directors might observe or abet, the court of proprietors should have no power to call them to account for.—Things appearing to him to be so, he would beg leave, of those evils offered him, to chuse the least; and as it had been adjudged constitutionally necessary to take from him the management of that property, he was sure his preference was right when he accepted the terms of the Bill, because the faith and the honour of the Secretary of State that produced it, the faith and the honour of all those ministers, with whom he drew that of the noble earl who was to preside in the direction, and of the six other chief directors, were all pledged to do the best they consistently could for the benefit of the Company; and he did not doubt but the effects of the Bill would be an increase of their credit, and of the value of their stock.—He had heard it said more than once in the course of the business, that in the multitude of counsellors there was wisdom; he begged leave to repeat it, and to apply the observation thus: what effect had the call of the House upon that Bill? An increase in consultation of a multitude of counsellors on its merits; and he had the evidence of the last division to shew, that the more they were considered, the better they were approved: he had no doubt but they would continue to be so by all dispassionate men; for he was persuaded, that the Bill promised much in the present situation of the Company's affairs, and in the necessity of reform, to bring advantage to great Britain, to the Company, and to the stockholder. As an humble representative of the former, and as making one of the latter, he thought his thanks were better due to the right hon. Secretary who had produced the Bill, than either to those gentlemen who would give the property to the Indian princes, or to the learned gentleman and his friends, who would leave them little more than the name of it.

Mr. *W. Grenville* said, he would not go over the ground of general objection against the Bill a second time, but would chiefly confine himself to a few observations upon what had fallen in the course of the preceding debates, and chiefly from a right hon. gentleman, who, when the principle of the Bill had been debated last week, had spoken very much at large on the subject of India (Mr. Burke). That right hon. gentleman, among other extravagant assertions, had not contented himself with general praise of the present Bill, but had termed it a confirmation of Magna Charta. This was a most extraordinary declaration, and if the right hon. gentleman could prove that it bore any the most distant analogy to Magna Charta, he must deeply lament that he had ever been sent to that House; for he certainly read his Magna Charta in a style so completely different from the language and purport of the present Bill, that he could not be qualified for the representative in parliament of any set of people whatever, if the right hon. gentleman was right and

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he was wrong. One great principle of Magna Charta, as he read it, was, "that no Englishman was to be spoiled of his property and privileges, or disseised of his freehold, but by the judgment of his peers, or the common law of the land." The Bill then under consideration directly and avowedly violated this fundamental principle of our great charter. Mr. Grenville went on to make a variety of observations on Mr. Burke's speech, and concluded with declaring his satisfaction at having done his utmost to prevent such a Bill from being carried into a law.

General *Burgoyne* said, he had been, sixteen years ago, chairman of one of the first committees of East India inquiry that ever sat. At that time the committee found out such delinquency in India, and such necessity for a new system of administration and call for reform, that he had considered his having been the chairman of that committee as the most unhappy circumstance of his life, because it was not followed up by an immediate Bill; and he declared, if the Bill now under consideration failed, it would add to his unhappiness. The hon. gentleman called for proofs of the necessity: let him look at the reports on the table, and then ask if proofs almost innumerable were wanting. If any man could read them, and then ask for proofs, he must have an extraordinary heart indeed. The general greatly approved Mr. Fox's Bill, declaring that he not only thought it a Bill well adapted to the subject, but the Bill of all others that was best suited to the occasion. The general declared, that as soon as he saw the Bill, or rather as soon as he read the account of his right hon. friend's opening it in a newspaper, he came away directly from a country, in which he had had the honour to hold a high situation, crossed the sea, and travelled 300 miles post, in order to give it his support. It had been said, that his right hon. friend (Mr. Burke) had given a deep colouring to the enormities committed in India by the partial views of party, and by the power of his eloquence. But all the powers of language which he possessed, all the liveliness of fancy, and the amazing copiousness of imagery, which distinguished him above every other man, were unable to heighten or come up to the reality. Here the general entered into a description of the oppressions and cruelties committed by the Europeans in Asia. All that the Gentoos held sacred, they violated without remorse, and, as if they delighted in human misery, they invented new species of torture; the inhuman lust of gain steeling their breasts against every feeling of compassion. Here, with much felicity, he quoted and applied a passage from the descent of Æneas into Tartarus, as described in the 6th Eneid. One of the characters in those gloomy mansions, the general produced as an image and example of those nabobs, as they are called here, who, in the Company's service, amass fortunes from the vitals of the natives of Indostan:

"Vendidit hic auro patriam, dominumque potentem
Imposuit; fixit leges pretio atque refixit.
Hic thalamum invasit natæ, vetitosque hymenæos.
Ausi omnes immane nefas, ausoque potiti.
Non, mihi si linguæ centum sint, oraque centum,
Ferrea vox, omnes scelerum comprendere formas,
Omnia pœnarum percurrere nomina possim."

Neither fiction nor policy could reach the horrors of those reports; and should we then be told of charters? A charter, under which such transactions could pass with impunity, was in itself, he was going to say, a nullity; but it was much worse—it was a charter of devastation, of cruelty, of famine, and of blood. Or should we be stopped in the great work of redress by the accounts of the Company—that curious statement, confuted one day, amended the other, new modelled a third, to persuade us of the financial capacity of the Company, to drag on for a few years longer, a wretched, disgraceful, fatal existence, productive of misery and destruction to thirty millions of the human race, and a perpetual infamy to the British name!—In regard to the influence of the crown, that upon the same principle upon which in a former year he had voted for the diminution of that influence as applicable to the corruption of that House, he now voted for the clause of the commissioners in this Bill; being clearly of opinion, that it exchanged a clandestine, and a dangerous influence, for an open, direct, and constitutional patronage of the state, for which every minister would be responsible with his character and his head. The general alluded to the sneer which was common in talking of the very full attendance upon this Bill: there had not been much of it within the House, for a plain reason, namely, that the urgent call for friends had been pretty equal on both sides, and, as he thought, without discredit to either; for if one set of gentlemen believed a great public good depended upon

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the support of a Bill, and another that the public interest lay in its defeat, it was very natural and proper that each should desire to bring to town every man who agreed respectively in opinion. He therefore was ready to avow those two principles, treated by some to be so laughable—attachment to his friends, and duty to his country. He avowed, that actuated by these motives, he had traversed the sea, and three hundred miles by land, for the express purpose of giving his vote upon this occasion; and his satisfaction at this moment was greatly enhanced, at finding the measure his heart approved, had been introduced and conducted to its present stage of success, by the men he loved.

Mr. *Martin* said:—Sir, I rise chiefly for the purpose of giving a parting execration to this pernicious and unconstitutional Bill. Though some palliatives have been applied to it, though we are not to be attended in this House by the apothecaries, and though our seven present physicians may be men both of skill and integrity, yet, when they fall off, their places may be filled by doctors, of whom we may conceive a very different opinion. At the same time, Sir, I must congratulate the right hon. Secretary on the complete and brilliant victory he is about to gain over the independence of the House of Commons. The Bill once passed, men who think and act for themselves, may as well be absent from this assembly. We may, indeed, come down to settle petty regulations and matters of trifling consequence; but for any thing great or noble, we may bid adieu to it. Our country gentlemen may stay in their counties, and men of business in the capital may give close attendance to their private avocations, for "actum est de republica." To speak, Sir, in more familiar language, and the language of the turf, which the right hon. Secretary understands, he has fairly jockied us out of our liberties. Sir, the right hon. gentleman doubts my sincerity, when I attribute his conduct to avarice, ambition, or party spirit. Ambition and party spirit I have heard him avow; and as to avarice, I must say, without meaning any personal application, that I think it perfectly consistent with the present extravagance, and often the immediate effect of it. Sir, I am free to own, that in these melancholy times, I am not so much discouraged by the appearance of numbers in this House, as I am by the general depravity, servility, and insensibility of the public at large. The character of the nation is lost, and the noble spirit of our ancestors is dwindled into meanness and corruption of every kind. The right hon. Secretary knows our condition, and most piously takes advantage of our baseness. He may say again, Sir, that I hardly believe what I say; but I will tell the right hon. gentleman, that if there is a vice I hold in peculiar detestation, it is that of duplicity and hypocrisy; and that whatever character the right hon. gentleman may have justly acquired for brilliant talents, I will venture to stake my character against his for sincerity and plain dealing. Sir, that right hon. gentleman must know, that I can have no personal pique or dislike to him; but I should desert the interest of my constituents, did I not endeavour to put the public upon their guard against the danger of such a ministry, who will be formidable to the country in proportion to his distinguished abilities. If he be really so dangerous, it may be said, from whence has such a man his strength? Sir, I will answer, with a little variation, in the words of a noble and elegant author on another occasion: "From the general corruption of the people, nursed up to full maturity, under the administration of his noble colleague; from the venality of all orders, and all ranks of men, some of whom are so prostitute, that they set themselves no law, and prevent applications." Sir, as to the Bill itself, I have the most decided opinion of its dangerous consequences; and therefore shall oppose the third reading. I doubt not but the right hon. Secretary, with the private advantages of it in prospect, will have a majority to his wishes. We have lately been much embarrassed for a new tax, to substitute in the place of one which, to many persons, seems unequal, odious, and unproductive. I wish, Sir, we were to lay a heavy impost on the individuals who shall compose the majorities during the remainder of the session. After the passing this Bill before us, I am persuaded the tax proposed would be abundantly productive, and that it would be very far from affecting the poor. I foresee but one good consequence that can follow this Bill, I mean that it may possibly rouse the natives of the country to drive us completely out of it. This I really think would be a blessed effect, both for them and for ourselves Sir, it has been said, that if we should relinquish our possessions in that part of the world, that

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other European states would take possession of them, and that we should lose our commerce. Such an argument reminds me of a short conversation between two gentlemen taking the air on Hounslow Heath. The one seeing, at a small distance, a carriage with some unarmed passengers, proposed to the other to ease them of the trouble of carrying their watches and money. The other, in answer, observed, that he was not much disposed to be guilty of such an action, which could not be altogether justified upon the principles of honesty. Oh! replies the first, you may make yourself perfectly easy as to the morality of the affair; for if we should let them pass quietly, they will most probably meet with others in a few minutes, who will not be so scrupulous.—I trust the Lords will think it totally inconsistent with their justice and their dignity to pass such a Bill; but if it should be otherwise, there is a hope still left for us; I mean, that his Majesty will refuse his consent to such a pernicious measure. Though, Sir, I have been reckoned unjustly a friend to innovation, I profess myself to be heartily attached to the spirit of the genuine constitution of this country. The power of a negative in the crown I regard as essential to that constitution. If it ever should be abused by any future prince, this House, when properly constituted, should always hold the purse of the people; and by that means may effectually bring a sovereign to reason, who should betray the trust reposed in him. If, Sir, this prerogative is never to be exerted, why not abolish, as a ridiculous farce, the pompous parade of passing Bills in the manner as now practised?

Mr. *Scott* alluded to certain insinuations, that, agreeably to the common conduct of lawyers, he would not scruple to espouse any cause which he should be paid for defending, and reprobated, in the warmest terms, such unworthy imputations: he asserted the reluctance of his nature to such practices. He apologized to the House for taking up their time, assuring them that he would not trespass on their patience, but on occasions which he should deem in the highest degree important. Such he conceived the present to be, and he therefore thought it his duty to deliver his sentiments upon it—the solemn sentiments of his heart and conscience. His speech divided itself into three parts. In the first, he laboured to shew that there was not any necessity for the Bill; in the second, that it contained not any provisions of sufficient importance to justify so strong a step as was taken by government; and in the third, that the Bill would increase, beyond all bounds, the influence of the crown. He was not of opinion that parliament might not, in any case whatever, violate a charter. The safety of the community might render it the duty of parliament to interfere in certain cases: but this was not one of them. Neither did he think, that, from the present interference of government in the affairs of the East India Company, the other chartered societies in the kingdom had any reason to conceive any apprehensions. There was an incident of nature and circumstance which established a very essential difference between the East India Company and every other chartered society. That circumstance was their territorial property, and their imperial power. But still he contended, that no necessity had been shewn for violating the charter of the Company in the present situation of affairs. The Company were not bankrupt. The measures proposed were no other than a disfranchisement of the Company, and a confiscation of their goods in the hands of seven commissioners. He paid some handsome compliments to lord North, but much greater to Mr. Fox. It was an aggravation of the affliction he felt, that the cause of it should originate with one to whom the nation had so long looked up; a wound from him was doubly painful: like Joab, he gave the shake of friendship, but the other hand held a dagger, with which he dispatched the constitution. Here Mr. Scott, after a proper apology for alluding to any thing recorded in sacred writ, read some verses in different chapters of the book of Revelations, which seemed to express the intended innovations in the affairs of the English East India Company. "And I stood upon the sand of the sea, and saw a beast rise up out of the sea, having seven heads and ten horns, and upon his horns ten crowns. And they worshipped the dragon, which gave power unto the beast; and they worshipped the beast, saying, who is like unto the beast? who is able to make war with him? And there was given unto him a mouth speaking great things; and power was given unto him to continue forty and two months." Here, said Mr. Scott, I believe there is a mistake of six months. "And he causeth all, both small and great, rich

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and poor, to receive a mark in their right hand, or in their forehead." Here places, pensions, and peerages are clearly marked out. "And he cried mightily with a strong voice, saying, Babylon the Great" plainly the East India Company "is fallen, and is become the habitation of devils, the hold of every foul spirit, and the cage of every unclean bird. And the merchants of the earth shall weep and mourn over her, for no man buyeth her merchandize any more; the merchandize of gold, and silver, and precious stones, and of pearls; and fine linen, and purple, and silk, and scarlet, and all manner of vessels of ivory, of most precious wood, and cinnamon, and odours, and ointments, and frankincense, and oil, and fine flour, and wheat, and beasts, and sheep, and horses, and chariots, and slaves, and souls of men. And the fruits that thy soul lusted after, are departed from thee, and all things which were dainty and goodly are departed from thee, and thou shalt find them no more at all. The merchants of these things, which were made rich by her, shall stand afar off for the fear of her torment, weeping and wailing, and saying, Alas! alas! that great city, that was clothed in fine linen, in purple and scarlet, and decked with gold and precious stones, and pearls! for in one hour so great riches is come to nought. And every shipmaster, and all the company in ships, and sailors, and as many as trade by sea, stood afar off, and cried, when they saw the smoke of her burning, saying, What city is like unto this great city? And they cast dust on their heads, and cried, weeping and wailing, saying, Alas! alas! that great city, wherein were made rich all that had ships in the sea, by reason of her costliness! for in one hour is she made desolate."—Mr. Scott observed, that the violence with which ministers attacked the rights of the Company was greater than that of general warrants, which were happily got the better of some years ago; for these alleged a cause of violence; but the Bill against the Company alleged not any special act of delinquency. He said, that acts of power against law had been borne, and might be expected to be yet borne, in this country; but acts of power against law, supported by the judgments of lawyers and juries, the country never would bear. On this subject he quoted a passage from Thucydides, who remarked, that injustice was more irksome to men than violence; because injustice, seeming to come from equals, provoked indignation; but violence was endured as a matter of inevitable fate or necessity. He reflected here on the conduct of the parliament about the middle of the last century, when they were anxious to get up the charters from the burghs. He also reflected on the parliament taking the command of the militia out of the hands of the crown, which was a prelude to a war of twenty years. It had been said, that matters had been grossly mismanaged, and that many enormities had been committed in India; but was that the fault of the directors, or of their servants in India? The directors, as was confessed, had always transmitted for the direction of their servants abroad, the purest system of ethics! Why was not that system carried into execution? This was owing to the wickedness of their servants; not to any defect in the constitution of government. The accomplices in the imprisonment and misfortunes of lord Pigot, had been brought to justice by the proprietors before the court of King's-bench, and so might other delinquents. But if the power of the directors was too small, give them more. He desired that it might be considered that there was no alteration in the law, or the degree of power possessed over the servants of the Company, but only of the persons who were to inspect their conduct. The effect of this new institution of a court of directors was yet doubtful; even they might be found inadequate to the distant government of India. *De te fabula narratur*, not even *mutato nomine*. The bankruptcy of the Company was a matter which was at least doubtful, and time ought to be granted for inquiring into it. He repeated that passage in Othello, where Desdemona cries, "Kill me not to-night, my lord!—Let me live but one day—one hour!" This prayer was rejected, and repentance succeeded the fatal deed. It had been said, that the affairs of the East India Company were safe, being intrusted to the care of respectable commissioners. He liked not the idea of their being responsible to men that appointed them, and the rather, that those men were themselves responsible for their conduct. The responsibility of the former would secure the latter, and place them beyond all responsibility. If it was right to vest the power of nominating the commissioners in the crown, why not vest that power in the crown *ab initio*? If it was right that it should be placed in parliament, why

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not continue it? It had been observed, that the crown had in reality enjoyed the power of directing India affairs, through the medium of the proprietors. If so, why should not the ministers of the crown take a share of the blame for the misconduct of those affairs? It was a new thing, to see the persons who had objected to the Act of 1773, as a precedent for encroaching on the rights of chartered companies, now quoting that very Act as a reason for supporting the Bill under consideration. It was thus that one precedent begat another; and that the beginning of evil was as the letting out of water. The great plea for taking the power out of the hands of both the proprietors and directors was, that they clashed with one another. But would it be said, that when two co-operating powers interfered, there was no remedy but to destroy them both, and to establish a new one on their ruins? Such a doctrine, he presumed, would not be mentioned in a British parliament. Mr. Scott also, in the course of his speech, quoted the words of Brutus, who, speaking of Cæsar, says,

"He would be crowned———
How that might change his nature, there's the question."

and also a passage from Thucydides.

Mr. *Anstruther* said, he did not rise to introduce into the debate the personal characters or honour of the gentlemen who supported either one side or the other of the question, which had been so much adverted to by those who had spoken before him: before, however, he entered upon the question itself, he could not help taking notice of an argument that had been much dwelt upon, and which seemed to be in some measure the foundation of the violence of the epithets which had, in his mind, with so little reason been bestowed upon the Bill. Gentlemen had stated, that committees ought to be instituted to inquire into the accounts of the Company, and that they had been refused permission to produce evidence of their situation. It was true it had been asserted, but even the gentlemen themselves who had asserted it, had never thought of moving for the committees they talked of, nor attempted to produce the evidence they said was in their possession: even the Company itself had been heard at the bar, had offered every evidence they had to produce, and never had once attempted to say they had been precluded from bringing forward every thing they had to produce; he was therefore justified in saying, that every party had been heard that wished to be heard, and that all the evidence which either the Company or the gentlemen opposite had to produce, had been received. Two schemes had been produced for the future government of India: the one, by the learned gentleman (Mr. Dundas), and the other, by the right hon. Secretary. He would shortly state the reasons which led him to prefer the plan that was the object of debate that day. To judge of the merit of a plan, it was necessary to know precisely the evil that was to be remedied, and to apply the remedy exactly to the disease. In his opinion, the defect lay in the government at home, in the weakness, the want of energy, and insufficiency of the court of directors. These mischiefs flowed from a simple cause, the error lay in the very formation of the constitution of the Company; by a strange concurrence of circumstances, a body of merchants had been changed into sovereigns, a counting-house had been converted into a council table. That was the evil; till that was remedied, all reformation was in vain. The constitution of the Company reversed the plainest principle of government. The executive government of a large country, of a populous empire, was lodged in a popular assembly. The proprietors were the executive governors of the Company; or if that should be denied, the directors were in a situation little different—they carried with them all the evils of popular assemblies intrusted with executive power, uncertain in their deliberation, fluctuating in their councils, and every executive act under the direction of a large assembly, composed, in a great measure, of those very servants whom the directors were to govern.—But this was not all, the government of India lay in the hands of a body of men not responsible for the execution of their trust. How and to whom was a director responsible? How could he be responsible to those whom he was to control? What punishment could be put upon him? He was in to-day; he was out to-morrow. And lest it should be possible to lay hold of him by some small share of responsibility, the very constitution had precluded the idea, it had shut the door against every means of reaching them; their votes were in secret by ballot: it was strange, but it was no less true, that in the executive government of India, it was impossible to know any man's opinion, what

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principles he supported, or to what measures he gave his assent: ballot took away every responsibility. But these were not the only defects: the constitution, by the rotation established in 1773, contained in it a fixed principle of change; it constantly varied, and was in a state of perpetual change. How often did it happen, that orders sent to India were disregarded by the servants there, because they were sure that before the news of their disobedience arrived in England, the direction would be changed? These were not imaginary and theoretical evils; they had produced every effect that was to be expected from a weak, fluctuating, irresponsible, executive power lodged in the hands of a multitude. It was because these were the evils, that he preferred the Bill before the House, to the one produced last year that went to regulation abroad: the evil he conceived lay at home; and unless the remedy was applied where the disease was, all regulation was in vain: there might be good in the other, but he could not expect much from it, unless it was accompanied with regulation at home.—He should not take up much time upon the subject of violation of charters: on all hands it was admitted that these might be violated, if the violation was commensurate with the necessity; then, the degree of the necessity was the only question. If he was right in pointing out where the evil lay, then nothing short of the present Bill would do good. If the disease lay in the constitution at home, the constitution at home must be changed. But gentlemen called for proofs of the necessity. Look at the government of the India Company in any possible point of view, and every thing is justified. If you look at them in a pecuniary point of view, you find them with five millions of revenue, coming to your bar three times in fifteen years, begging for loans to save them from bankruptcy. If you look upon them as politicians, you find they have broken every treaty they ever made, they have forfeited every engagement they ever entered into. If you look to their operations as sovereigns, you find them at once tearing up the title to the estates of every man in Bengal, by their orders to let the lands to the highest bidder; and, yet more strange, look at them in a commercial point of view, and you find that before they got the Dewannee of Bengal, they traded on a small capital, and gained on the Bengal trade near 200,000*l.* per annum; that now, when the country was their own, and the revenues their own, they traded at an annual loss of nearly the same sum. With such an outline of their conduct and constitution, was it possible to contend that such a government ought to continue? Much had been said of the influence of the crown: the difficulty he felt in arguing upon that subject, arose from the strange inconsistency in the arguments used by the opposers of the Bill; one part of them were violent in asserting that this Bill diminished the influence of the crown, while the other were equally positive that the influence of the crown was increased to an exorbitant degree by it: with arguments so contradictory, it was impossible to grapple. The only answer he should make was, that the truth probably lay between the two. The influence would not be considerably increased, but an open responsible one would be substituted for a covered and concealed one: for his part, he had no such terrors as some gentlemen had for the influence of the crown; he had no scruple to say, that, had he been in the House at the time of the vote on that subject, he should have opposed it. But that vote even could mean no more, than that the influence of the crown was greater than was necessary for the good government of the country. If the situation of the country and the happiness of millions rendered it necessary to give influence to the crown, in order to govern the countries that Providence had put under our authority, he, for one, had no objection to do it. It was absurd to say, we will allow anarchy and tyranny to remain, we will let India be in a state of desolation; and all this, because we are afraid to increase the influence of the crown. If it is impossible to govern India consistently with the safety of this country, in God's name abandon it; but it is more wise, more manly, to say at once, we have no fears to delegate to the crown every necessary influence to govern this or that country; and that, for the happiness of both: if that influence be dangerous, guard against it, but leave not millions in misery, because you are afraid to trust the crown with the necessary powers of government. He concluded with giving his hearty assent to the Bill, as the only plan that met the evil, and promised to restore the credit of the Company and the happiness of India.

Sir *Richard Hill* said, that having de-

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livered his sentiments on the Bill upon a former occasion, he had no intention of saying any thing more on that day; but some fresh matter having occurred, and wishing to make a motion before he sat down, he should beg the patience of the House for a short while. He was never long-winded, as the House knew. *Multum in parvo* was the maxim he wished to follow; and if, unhappily, he failed in that, he would be careful to avoid the *nihil in multo*. But, besides that new objections had occurred on the Bill, he should feel a satisfaction that he had opposed it as long as he had an opportunity; and yet, he declared, he was more fearful of the pernicious tendency and consequences of the Bill than even of the Bill itself. He was apprehensive, lest, from so successful an attack upon the fortifications, the citadel itself should soon be forced to surrender upon terms not the most honourable to the nation. To be plain, he thought the Bill was founded on principles of the most flagrant injustice, and that it gave a stab to the vitals of the English constitution; and when he considered who it was that gave the wound, he was ready to cry out, *Et tu Brute!* or, to change classical for scriptural ground, he could not help calling to mind the conduct of Joab to Amasa, when he took him by the beard with one hand, whilst with the other he thrust a dagger into his heart. The sacred penman added, "but Amasa was not aware of the sword in Joab's hand." Sir Richard said, that after a learned gentleman who had lately spoke, had produced so much scripture, he hoped he should be pardoned for having quoted a few sentences from that excellent old book called the Bible, and thought it was no bad wish to the House, that they might be better acquainted with it both in theory and practice. He wished not to bring accusations against any man; but he ventured to appeal to every member, whether, if the Bill had been brought in by any administration whereof the right hon. Secretary of the Whig department did not make a part, he would not before this time have been calling out for impeachments, axes, and halters, and whether he would not have made Westminster-hall, Covent-garden, the Shakespeare-tavern, and, above all, the walls of that House, to ring and echo with the danger of that power which he himself was now about to put into the hands of the ministers. But who was now the minister? *Oh! tempora mutantur*, &c. —For him to offer a gift to one who had the whole patronage of the East at his command, and who by this Bill was made greater, not than this or that nabob, but than all the oriental nabobs together, would be presumption indeed; but if the right hon. Secretary would accept so small a boon as a new motto at his hands, it should be the following, *Non sum qualis eram;* for he was sure that neither *faire sans dire*, nor *dire sans faire*, were at all applicable to the right hon. gentleman in the present instance, as he prevailed as well in the *loquendo* as in the *agendo;* so that in him, both Ajax and Ulysses were united, and it might ever be said of him as it was of the divine poet, Milton,

—— "Since Nature could no farther go,
"To make a third, she join'd the other two."

But if, as a worthy gentleman had hinted in a former debate, the right hon. Secretary should indeed lose the name of the Man of the People, he thought the sixteen new directors and their subs might properly assume that of the People of the Man.—He did not wish to tire the House with a second dissertation upon optics, but he could not help mentioning a circumstance which struck him a few days ago as he was walking along. Passing by a mathematical-instrument shop, he saw the picture of a distorted visage, which he could hardly make out; he thought, however, it might represent "Britannia weeping." He had the curiosity to step into the shop, and examined it through another glass, when, to his surprise, he found it to be a laughing man. He thought with himself, that whilst Britannia weeps, those will laugh that win. —He did not deny but some remedy was wanting for the disorders which prevailed in our India affairs; but he thought corrections and alterations should be tried before amputation had been so suddenly determined on; and he much questioned whether the prescriptions of the right hon. Galen, and his dearly beloved brother doctor Sangrado, would be efficacious towards a cure; though he doubted not both the one and the other would pocket some good fees for their nauseous draught, which was soon expected to operate by a most violent evacuation on the whole court of directors. Besides, it was agreed on all hands (he spoke with submission to the faculty), that where seven physicians and nine apothecaries were called in, as a worthy member of that House had before styled the new directors and their subs,

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the death of the patient was at hand. He meant not at all to reflect on the right hon. Secretary's *congé d'élire*, much less on the directors who were nominated by virtue of that *congé d'élire;* on the contrary, if the Bill must pass, he congratulated the House on the choice, as he knew there were among them men of integrity, men of sense, and men of business. He should, however, be impatient to hear how the noble lord at the head of the new direction board would reconcile this Bill with his protest against a similar one in 1773; as he thought, that if the noble lord protested against that, he must foam against this.—Sir Richard then said, he must beg to take a leap back to the title of the Bill, which sets forth, that it is "A Bill for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public." Let us now see, said sir Richard, how this specious title agrees with the real fact. The parties supposed to be benefitted are, the public and the proprietors. But as the court of directors begged, by their counsel, that they might be accused; so both the public and the proprietors have entreated, that they might not be benefitted. Perhaps they could not form a better judgment of the benefit which the public think they are to derive from this Bill, than by considering that the city of London had actually petitioned that they might be excluded from any of these benefits. And with regard to the *vox populi*, or the public in general, we could not look without doors, without hearing the Bill, and the authors of it, execrated on every side; and this, notwithstanding a tribe of hireling newspaper scribblers endeavoured to gull the world into a belief that the Bill was both popular and salutary. One proprietor in particular, as upright, as honest, as independent a man as ever dignified a stall in St. Stephen's chapel, and no man filled it with a better grace, was so fearful of the benefit which might accrue to his 4,000*l.* India stock from this Bill, that he addressed the House against it, with a feeling and a pathos which, sir Richard said, he hoped would have got a dozen votes that it might not pass. As, therefore, the title and the Bill were at such irreconcileable variance, that there was no forming a coalition between them (though some gentlemen might think that as great contrarieties in nature had aforetime coalesed), he should beg leave to move, that if the Bill passed that House, it might be printed with the following amended title: "A Bill for most unjustly, violently, and forcibly wresting the affairs of the East India Company out of the hands of the present twenty-four directors, and for placing them in the hands of certain new directors and their subs: also for strengthening the influence of his Majesty's present ministers; and for clearing the way for the total abolition of several useless charters, yet existing in this kingdom; and for affording a speedy provision for several respectable friends, jobbers, and adherents of his Majesty's present ministers; which friends, jobbers, and adherents, are now labouring under the most necessitous circumstances, and very importunate to be relieved." He had only to add, that if the right hon. secretary would consent to this trifling amendment in the title of the Bill, which he thought quite sufficient to make it perfectly consistent with the principle of the Bill itself, he would not only divide with him that evening upon the question, but should feel the highest satisfaction in making one of his suite when he carried it up to the Lords spiritual and temporal.

Mr. *Adam* endeavoured to demonstrate, in a long and able speech, that the Bill was not universally disliked; that it was much more than a palliative—that it was absolutely necessary; that the Secretary of State did not intend to govern; and that it would be infinitely better for the Company that the direction of their affairs should be in the hands of government. He adduced many arguments in favour of these positions. He was surprised at the charge relative to the newspapers being bought off by government: he had one night seen an anonymous hand-bill, stating it a fact; but the very next morning he found a complete refutation of it in the first newspaper he took into his hands, where he found a libel on a right hon. gentleman (Mr. Burke), whose family were falsely represented to have 25,000*l.* from government; and it went farther to state, that if the Bill should pass, this gentleman would get a great deal more: this was calculated to insinuate, that the right hon. gentleman's support of the Bill arose from interested motives.

Lord *Mulgrave* made several pointed observations on Mr. Fox's former professions of attachment to the liberty and interests of the people, and hinted, that they had now taken their flight. He exclaimed against the undue influence the crown

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was likely to acquire by the measure before them. He also thought that the seven new directors were not by any means equal to the important task of governing India. Those, he said, that were highest in power among them, were the least acquainted with the business they had undertaken. He threw out several severe reflections on Mr. Fox; he thought his great abilities were hurrying him on to enslave his country. It might be said of him, as it was of Augustus, "It had been well had he never been born, or had he never died." He considered the situation of this country as being extremely alarming, and ventured to foretel, that from the moment that the present Bill passed into a law, British independence would be at an end.

Mr. *Powys* would not take up the attention of the House farther than to enter his protest against the measure which gentlemen were pursuing so inconsiderately, and at so great a hazard. The ministers, he found, were nothing more than common men, and they needed to be watched closely. The present Bill had fully convinced him of the expediency of such circumspection. He beheld, with sorrow, the disfranchisement of the chartered rights of his countrymen; he foresaw the anarchy and misery into which the nation was presently to be plunged; and what alarmed and distressed him beyond every thing else was, that he perceived that himself and many of the independent members were spurned and trampled under foot: but he thought that was but a poor triumph to their adversaries. He could not submit to such treatment without expressing indignation; and he was comforted by the consideration, that those who suffered the same indignities with him, were gentlemen of the first reputation for integrity and honour. He adverted to the term which had been voted for the continuation of the power of the new directors. To that period he had no objection; but he begged to know to whom the power of nomination was thereafter to belong. He held up the superior directors as invested with more power and authority than they knew how to use; and the inferior directors, he said, were beneath all consideration: their authority was contemptible; it was but the shade of the departed honour of the late directors, and in every respect so insignificant; and carrying about with it such marks of infamy and disgrace, that no one of that description was, in his opinion, a proper person to be admitted to the honour of a parliamentary seat. Mr. Fox, he said, had deceived him exceedingly; his professions of disinterestedness and zeal for the public good, had inclined him to hope for measures that would justify his professions; but he had hoped in vain. The right hon. Secretary still continued to avow the purity of his principles, and to bid his deluded countrymen trust to his sincerity; but, for his part, he was not to be caught by his fair promises. It was a maxim with him to judge by measures, not by men; and by that rule he meant to try all the abettors of the present enormous Bill. This Bill aimed a mortal blow at the independence of the representatives of the subjects of Great Britain; they might still retain their seats, but freedom of sentiment and speech, the glory of Englishmen and of English members of parliament, was no more.

Mr. *Fox* rose, not so much to remove the unfavourable opinions gentlemen had of his conduct as a minister, as to wipe off the infamy and reproach they had, in the course of that debate, been pleased to cast upon his reputation as a man. He thought he had been very unhandsomely treated. It was not enough that gentlemen had allowed him no goodness, no virtue, no merit whatever; they had ascribed to him many positive defects, and had expressed their malice, for he would call it nothing but malice, with all the virulence and all the malignity which fancy could invent. There was one circumstance of crimination which he took exceedingly ill. The hon. gentleman who spoke last had charged him with a species of delinquency which touched his feelings more than any other, because the only principle from which it could flow, was a principle the most opposite of all others to those by which he was actuated. That hon. gentlemen had said, that confiding in the great majority which ministers had in that House, he had insulted the weaker party—in his own words, or something like his own words, triumphed over the impotence of independent members. This was, he said, a cruel insinuation; and it was as unjust as it was cruel. It supposed him guilty of a crime which he never was capable of conceiving; and plainly insinuated, that all his professions of candour, of disinterestedness, and of attachment to the sacred rights of mankind, were nothing but words, delusive words,

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framed for some other purpose. He desired the hon. gentleman who had spoken of him with so much freedom to be assured, that no expressions that had ever fallen from him, were meant to apply to him. He did not know that he had ever said any thing personal; if he ever did, it was aimed at those self-important members, who were so fond of their own conceits, and who thought every thing they uttered should be received as law. He was not certain that he had not at some time or other spoken with that intention; but to blame the hon. gentleman who seemed so much chagrined, would have been among the last things that would have struck him. His virtue, his patriotism, his commendable zeal, all conspired to forbid any such conduct. Gentlemen had that night discovered uncommon warmth in the cause they were engaged in: they had been very earnest to thwart his wishes: they had also shewn skill in the mode of their attack on him; for they had placed a learned and eloquent member (Mr. Scott) in the front of the battle, and he had certainly acquitted himself ably. But he was not yet overthrown; he trusted to the goodness of his cause, and the support of his friends for success. A noble lord (Mulgrave) had said much on the imminent danger that had been brought upon the state, by the accession of influence which the crown was about to receive. That noble lord, and almost every other gentleman who had spoken, had deprecated that influence, and at the same time had beheld with astonishment the change of principles which had sensibly appeared in all his (Mr. Fox's) late proceedings; but he would easily satisfy them, if they would be satisfied, of the groundless nature of their fears in the first instance, and of their deception in the other. The influence they so much dread, was not, he said, an influence that would revert to the crown; it might revert to the crown—that was not impossible; but it was more likely to return to the independent members of that House; to those very members, with grasping at whose indisputable rights he was now unjustly accused. Respecting the change of principles, he declared that he was sensible of no such change; none such had taken place: at that very moment, he possessed the same jealousy of the rights of the parliament and of the people, and watched with the same circumspection that ever he had done, every degree of undue patronage or influence which the crown might acquire. When he went into office, the power of the crown had been diminished; the different powers in the state were pretty equally poised; that was a state he wished to see them in, and it was a state they should always continue in, if his best exertions could effect that desirable object. With regard to the bankruptcy of the state, the learned gentleman had told them that the statement of another learned gentleman, who was now absent, was such and such, and that he had advanced such stubborn facts that nothing could resist them. Was it fair thus to combat him with the opinions of a man who was not here to give his reasons? But this was the way, the unfair way, in which he was attacked; every gentleman on the opposite side of the House had set his terrors in array before him; but he was not to be terrified. Mr. Fox observed, that his Bill had been violently opposed in all its stages; but it stood on so secure a basis, and, what some gentlemen might wonder to hear him say, it was so popular, that he would not be afraid to trust its issue to the decision of the public. It had been absurdly said, that the present Bill both increased and decreased the power of the crown. In God's name, what power or influence did his Bill take from the crown that it possessed before? Or what power did it add which it did not possess before? The Bill took no influence from the crown; but it added a good deal to parliament; and if it was doubtful in any of its tendencies, it was the duty of parliament to select it carefully, and to try to correct its defects. The right hon. Secretary concluded with asserting the rights of the independent members, and with declaring, that to deprive them of any of those rights would be the last act of which he was capable.

Mr. *Scott* desired to know by what authority he was so subjected to the control of Mr. Fox, that he could not deliver his sentiments at the beginning or end of the debate, as he himself should think proper?

Mr. *Erskine* desired to know of Mr. Scott, in what part of Mr. Fox's speech his right hon. friend had attempted to impose any such control on him.

Mr. *W. Pitt* made some remarks on the personal character and political connexions of Mr. Fox. He said, the right hon. Secretary made his powerful and generous connexions responsible for all his actions. He shewed to Mr. Powys the manner in

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which he supposed Mr. Fox wished to treat the independent members of parliament. He bewailed, in lofty strains, the very remarkable deviation the partizans of a late noble marquis had made from his upright principles; and he pitied a noble lord and some others, who had been so inconsiderate as to embark in the perilous ocean of politics, with men who were likely to corrupt them. He had a fresh touch at the coalition, and prophesied, in very positive terms, the disasters which the event of that night's debate was about to precipitate on the nation.

The *Attorney General* reprehended Mr. Pitt for his personality, defended the Bill strenuously, and argued it on the grounds of necessity, influence, and expediency. He declared he was as much an enemy to the influence of the crown as ever, and said, if the new influence so much complained of in the present Bill had been given to the crown, he should have been against it. He passed an eulogium on Mr. Fox; said, that he did not care a rush for his office, and that Mr. Arden should have it the next day, if it were not that his holding it were necessary for the support of his right hon. friend. He urged the folly of talking of the sacredness of chartered rights, when so great an object depended on their violation; and asked, what was the consideration of a charter, a skin of parchment with a waxed seal at the corner, compared to the happiness of thirty millions of subjects, and the preservation of a mighty empire?

Mr. *Arden* retorted on the Attorney General for his reprehension of Mr. Pitt for personality, and reminded his learned friend of his having said within those walls, within a very few months, that the man would seal his own damnation, who should give a vote for a particular question before the House at that time. Mr. Arden declared he had given his vote notwithstanding his learned friend's anathema, but he did not believe he had incurred the perilous predicament alluded to. He told his learned friend also of the strong and pointed language in which he had been used to speak of the earl of Shelburne. He went into a recapitulation of arguments against the Bill, and produced an entry of a debate upon the institution of the militia in former times, to shew how analogous the language respecting the influence of the crown, then held by the king's solicitor, was to that now held on the other side of the House. The learned gentleman expatiated on the vast effect the new influence might have on Mr. Fox, to whom he was at present ready to subscribe, as a man of unmoved integrity. He quoted again the two lines cited from Shakespeare's Julius Cæsar by Mr. Scott, and added the following:

"It is the bright day, that brings forth the adder;
And that craves wary walking, 'crown him'—that—
And then, I grant, we put a sting in him,
That at his will he may do danger with.
The abuse of greatness is, when it disjoins
Remorse from Power: and, to speak truth of Cæsar,
I have not known when his affections sway'd
More than his reason. But 'tis a common proof,
That lowliness is young ambition's ladder,
Whereto the climber upwards turns his face:
But when he once attains the upmost round,
He then unto the ladder turns his back;
Looks in the clouds, scorning the base degrees
By which he did ascend: so Cæsar may:
Then, lest he may, prevent."

Mr. *Wilberforce* opposed the Bill, and attacked Mr. Fox, charging him with having lost the confidence of the country by joining the noble lord in the blue ribbon. He concluded his speech with quoting from Milton the passage in which the fallen spirit is addressed.

Mr. *Rigby* said, he had neither furnished himself with a quotation from Milton, or a quotation from Shakespeare, which he had not expected to have met with in that day's debate; nor, what was more extraordinary, had he expected to have heard a quotation from Scripture through the mouth of a lawyer; but yet he had furnished himself with a few arguments in defence of the Bill. Mr. Rigby then, in his usual, plain, manly, common-sense mode of reasoning, proved that the Bill was every way justifiable. He said he had been on a committee of East India inquiry so long ago as the year 1772, that at that time they saw enough to make them shudder, and that a Bill of regulation was brought in and passed the next year. He was surprised how those who supported that Bill, could have the inconsistency to oppose this. With regard to all that had been said about chartered rights and confiscation of property, it might serve for the moment; but men in their sober senses must regard it as a mere bugbear to frighten children. The charter of the Company was violated in 1773, and so it must be again, or all pretence to reform must be abandoned. He would rather have wished the new influence, which he acknowledged must indispensably be created, had been given to the crown; but he was persuaded it was safe

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where it was lodged, and assigned various reasons for entertaining this sentiment.

Mr. *Jenkinson* objected to the Bill, as creating a new executive government within the realm independent of the crown. He also reminded the House that the Bill would commit this country for all the debts that now were, or might become due in the East.

Mr. *Dundas* rose to rescue his Bill of last year from the charge alleged against it, of giving earl Cornwallis despotic power, because the crown had, under that Bill, a power of recall at its pleasure. He said, the present Bill had brought him up 400 miles as well as the hon. general over the way; but he came determined to oppose it as highly unconstitutional. Having said this, he went over his observations of last week again, and insisted upon it, that the appointment of a secretary of state for the East Indies would have been more eligible.

Mr. *Sheridan* replied to the Lord Advocate, went through the principal parts of his Bill of last year with him, and contended, that the despotism it clothed lord Cornwallis with was so plain and palpable, that he wondered how the learned gentleman could keep his countenance when he seriously insisted upon it, that his Bill was not equally dangerous in point of creating influence and arbitrary power, and in regard to invasion of chartered rights, with that of his right hon. friend. It was, in fact, ten times more so; and if it had not been so late an hour of the night, he would then have proceeded to prove it so. This serious part of his argument over, Mr. Sheridan came to the more pleasant part, and took up the several quotations of Mr. Wilberforce, Mr. Arden, and Mr. Scott, foiling them each at their own weapons, and citing, with the most happy ease and correctness, passages from almost the same pages that controverted their quotation, and told strongly for the Bill. He quoted three more verses from the Revelations, by which he metamorphosed the beast with seven heads, with crowns on them, into seven angels, clothed in pure and white linen.

Sir *George Howard* said, he should vote against the Bill; but declared, as he was a man of honour, from no other motive, than from not being able to reconcile himself to the principle of it.

Sir *Cecil Wray* observed, that he had been many years in parliament and had seen many bad measures, but that all those together had not impressed his mind with the horror that the present measure did; he therefore thought he could not answer to his constituents and the public, if he did not make his protest against a measure the most despotic to the chartered rights of the Company, and subversive of the constitution, by such an inundation of corrupt influence as it must necessarily produce. Much had been mentioned of deserters from party; probably he was ranked amongst those deserters: he had, indeed, left the party, and gloried in having done so, but it was because the party had deserted its principles. He had often fought under their banners, in defence of the chartered rights of the people; by their arguments he had opposed the violation of the Boston charter; he had also, in 1773, done the same in the attack on the India Company; and thought it hard that he should be called on by those very men to give his assent to the present Bill, founded on exactly the same principles as that to which, on their arguments, he had given his dissent to. Had he in this deserted his party, or had the party deserted its principles? He then instanced the influence he had been called on to state: this had been done by voting contractors out of the House, by annihilating the board of trade, board of green cloth, and other places which the bills of reform, futile enough, had so ostentatiously effected; but here he was called on to re-establish a board of trade, to let in a shoal of contractors of the worst kind, because the contracts they should make were not cognizable by parliament; and, in short, to give so extensive a patronage to the minister, that all future efforts to stem the arbitrary acts of power in parliament would be quite impracticable, and the attempt ridiculous. Had he in this deserted his party, or had the party deserted its principles?—He had hopes that the Bill would be stopped in the other House, when he saw it brought in by one, and to be executed by another, whose protests, on a former occasion, had been so pointed against its principles. One hope he had left; his Majesty, from his paternal care of his people's liberties and properties, might still effect it; one prerogative of the crown still remained indisputable—its negative. This he sincerely hoped, and would join with any person in beseeching. I will conclude, said he, with the words of an author: "The existence of the king's negative, an indisputed prerogative, which extends to all cases what-

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soever, may be the means of preserving the constitution itself, on an occasion worthy of bringing it forth." This, Sir, is that occasion—the liberties and properties of the people. The existence of the constitution demands it. But should his Majesty give his assent, so much shall I think the ruin to be complete, that though I shall ever conceive it my duty to obey the instructions of my constituents, yet, when left to myself, I shall sometimes come down to debate a turnpike bill, but shall scarcely take the trouble to give any farther ineffectual opposition, till the people, aroused from their present lethargy, shall find it necessary to apply a decisive remedy.

The House growing extremely clamorous, and calling for the question so vociferously that sir Watkin Lewes, who was upon his legs, could scarcely be heard, Mr. Alderman Townshend rose, and spoke to order. He called upon the Speaker to enforce regularity, and declared, if he had not authority enough to keep the assembly in order, so that every member might be heard, that House would be a mob, and not a parliament.

The *Speaker* rose to desire the House would be orderly, and declared, that if gentlemen imagined, by creating a confusion and clamouring for the question, they would shorten the debate, his long experience in parliament, and his acquaintance with the effect such endeavours generally produced, enabled him to assure them, that they took the most unlikely way in the world to attain their end.

Sir *Watkin Lewes* was then heard for a few moments distinctly, but the cry for the question becoming again prevalent, Mr. Townshend once more rose up to insist on order. He said, the question was one of the most important that ever came under their cognizance, and that the mode of endeavouring to smother it was worthy of the measure; but that the purpose of the other side the House should not be answered that way, for he would sit there till that day fortnight, sooner than submit to such an attempt to defeat discussion. He added, that several very respectable gentlemen wished to offer their opinions upon the Bill, and they ought to be heard. Sir Watkin then proceeded to state his objections to the Bill, and declared that his constituents, in common hall assembled, had instructed him to oppose it. He should therefore not discharge his duty to them, if he did not give his negative to the motion for reading it a third time.

Mr. Alderman *Townshend* himself opposed it very strenuously. He contended, that since the Bill came into the House, the grounds of it had been shifted repeatedly. That one day it was the bankruptcy of the East India Company, another day it was their temporary distress, another day again it was something else; and thus the ground was taken and abandoned, changed and changed again; now here, now there; at one time in sight, at another behind the hedge, till at last it was not to be traced any where. It was said, that the Company owed government money, and therefore their charter was to be seized on. Was that a sufficient plea? Had not government abundantly more than the value of the debt under lock and key? Would not a pawnbroker lend the money the Company owed and wanted, on the same or a worse security? Who was it prayed for the interference of parliament, the proprietors of East India stock? No. They desired no aid on such conditions. Was it the creditors of the Company? No. They had much rather leave their security in the hands of the Company. He ridiculed the idea of breaking through a charter so wantonly, declaring, that if the Bill passed, he should not wonder to see a proposition brought forward next year to put the crown in commission; for a commission of that sort would not be more unconstitutional than the other. The alderman was extremely severe on the Attorney General for having talked lightly about charters, and said, that a piece of parchment was not to be regarded as a matter the more sacred, merely because it had a large seal hanging to it, in cases where state necessity required that it should be abrogated. Such language, he said, from a law officer of the crown, was to the last degree alarming. To what source of security were they to look, if charters solemnly granted and ratified were to be thus treated, and by his Majesty's Attorney General? He also took notice of the Lords protests, declaring that the superior House of Parliament had recorded their opinion of all such bills as the present. [He was called to order for using the word 'superior,' and informed from the chair, that it was extremely disorderly for any member of that House to state either of the three branches of the legislature as superior to the others.] Upon this he resumed his

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argument, and said, he only meant to speak his opinion of the privileges enjoyed by the other House, of recording their sentiments upon any measure to posterity; and declared, that calling the protests of the Lords on the bill of 1773, political libels, was, in his mind, a very indecent presumption.

Mr. Alderman *Sawbridge* said, he had given two votes in support of the Bill, because he, in his conscience, approved of the measure; he had since been instructed, by his constituents, to oppose it; and as he always thought it his duty to obey their instructions, he should do it in this instance, and vote in a manner different from that in which he had before voted. As his constituents, however, had not at the same time furnished him with any arguments against the Bill, or thrown any new lights upon it, so as to induce him to alter his opinion of it, he should say nothing in its favour. A silent vote, therefore, was all that could be expected of him.

Sir *Robert Herries* begged to state a few reasons for the vote he meant to give. His reasons, he said, were three fold: first, he would state them as a proprietor of India stock, and what was more unfortunate for him, as an old proprietor; next, as a merchant; and, last of all, as a politician; for every man in this country was, and had a right to be, a politician. He then stated, that he had bought India stock in 1772; and appealed to the noble lord in the blue ribbon, whether he had not at that time been particularly engaged in the concerns of the Company. From this, he proceeded to complain of the ill constituted administration of the Company's affairs; and was going much at large into that consideration, when the House again loudly expressing their impatience for the question, sir Robert sat down.

Sir *Robert Smyth* obtained the attention of the House, upon his declaring that he would take up but a few moments of their time. He then went into a statement of his reasons for disapproving of the Bill. Among others, he declared, that the destroying the charter of the Company, and abolishing the court of directors, upon the alleged delinquency of some of the Company's servants abroad, struck him to be full as preposterous a measure, as if that House, instead of a late expulsion of one of their members, had proceeded to disfranchise the borough of Heydon, on account of the criminal conduct of its representative. He added a variety of arguments to justify his opposition to the Bill; but finding the impatience of the House for the question to increase, he closed his speech, with some emphatical expressions of the consequences of the Bill, and of the disgrace it would entail on the right hon. Secretary who introduced it, and on that House for having blindly adopted it.—The Speaker was again proceeding to put the question, and the gallery was cleared of strangers, when

Mr. *Flood* rose, and in compliment to him as a new member, and as a speaker of great expectation, profound silence prevailed directly; and he was listened to, for a considerable time, with the utmost attention. Mr. Flood began with apologizing for venturing, totally unacquainted as he was with the subject of Indian concerns, not having read the Reports on the table, and knowing no more of their contents than he had heard at a distance, to deliver any opinion upon a Bill so important as that under consideration. He thought it, however, an indispensable act of parliamentary duty to say something upon the occasion; and when he did so, he begged the House to give him credit for speaking his sentiments impartially. He was connected with no party, and equally unacquainted with administration or opposition, though he entertained the most profound respect and veneration for many gentlemen on both sides of the House, whose characters were justly entitled to his esteem, as they had long since obtained the esteem of the public. He declared, he had anxiously desired to be present before a measure of such magnitude had entirely passed that House; and when he assured the Speaker that he had been in the Irish House of Commons in Dublin on Wednesday last, he trusted that it would be admitted, that he had been as expeditious as possible, in order by that time to reach the House in which he had the honour to stand.

After more introductory matter, Mr. Flood went into a series of general remarks on the Bill under consideration. He said, it could not be expected, after his acknowledged want of acquaintance with the subject, that he should enter into the particulars of the system proposed by the Bill for the future government of India. He thought, however, that a measure of such serious importance ought not, on any account, to be precipitated, for

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fear that, instead of proving an adequate recovery, it should tend to increase the grievance it was professed to be intended to cure. He urged the novelty of the plan, the great and extensive operation of it, and the violent effect it would necessarily produce, in support of this assertion. Chartered rights ought, undoubtedly, to be held sacred; and never to be meddled with, but on the most urgent and pressing necessity. By what he had learnt in the course of the day, the confusion in the East India Company's affairs began with the interposition of parliament. The Bill of 1773 was intended as a regulation of the Company, and that Bill appeared to have been the cause of much disorder and distress. Ought not the House, therefore, having before its eyes the evils occasioned by having once interposed, to take warning and avoid the still greater evils that might follow their interposing again? Charters, he repeated it, ought to be held sacred; they might be regulated, but they ought not to be demolished. It was a rule with him to treat public bodies with respect; and especially great companies, who had abundant merit, and had done their country several essential services. It had, however, been said, that necessity justified the demolition of the Company's charter in the present instance. That necessity nevertheless yet remained to be proved. The exercise of power ought always to be governed by discretion, by what the lawyers called a sound discretion. It was neither decent nor wise to proceed to disfranchise the East India Company, and to assume the direction and government of their territorial acquisitions with precipitation. He had always been accustomed to hear a great character of Mr. Hastings, and to consider him as a man of a good heart, a sound understanding, and as a man not addicted to rapacity. A plan, therefore, that went to dispossess Mr. Hastings of the governor-generalship of India, did not come recommended to him in the strongest manner. The Bill seemed also to be questionable on other grounds. It was to continue for four years. Did the right hon. Secretary intend to make the system permanent, or was it to last no longer than the four years? Before a new system was adopted, and that such as was declared by many persons not to be constitutional, the House ought to be pretty certain that it would answer the end proposed. Could the right hon. Secretary say, that, at four years end, it would have done any good? If he could not, he had better not try the experiment, notwithstanding the large majority at his back.

Having put this strongly, Mr. Flood touched upon several parts of the Bill. He said, it struck him, as either conveying a great additional influence to the crown, or lodging influence in hands where it would be more dangerous, in proportion as it was more unconstitutional. With regard to the sixteen directors, who were to manage the Company's affairs in future, he made no scruple to say, he had every possible good opinion of their integrity, and the other parts of their character; but were they attentive of business, men conversant in the affairs of India, and likely to conduct the concerns of the Company in a better manner than the directors had done hitherto? The nine assistant directors had all been, he understood, formerly employed in the business of the Company; and two of the seven directors had been in that capacity likewise, but the other five had not. This, therefore, did not appear to him as a presage of the business of the Company being likely to be better carried on in future than it had been. And why take the management of their affairs out of the Company's hands? Property was universally admitted to be the best ground of legislation. Hence the Company were entitled to legislate their own concerns, because they would undoubtedly legislate the best. The commissioners authorized by the Bill, he compared to the Roman Decemviri, and shewed how fatal the establishment of those Decemviri had proved to Rome. He expatiated on the danger of so far weakening the prerogative or the influence of the crown, as to set up an aristocracy sufficiently powerful to keep the crown in subjection. He said, he feared the board of Seven was to be like the board of Admiralty, or the board of Treasury, or the board of Trade, where one man was to have all the power, and the rest of the directors to be but cyphers. He observed, that by the Bill, three of the directors were to be a quorum; a circumstance which tended to confirm him in the suspicion he had just hinted at. Thus three would govern the majority of four. After a variety of remarks, delivered with great correctness of phrase, but in a more deliberate and sententious way than is the custom of our parliamentary speakers, Mr. Flood concluded with more apologies for having

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presumed to say so much, and declaring, that under all the circumstances of the case, he could not think of voting for the third reading of the Bill.

Mr. *Courtenay* said, he was affected beyond measure when the hon. gentleman rose up to speak, as he had often admired the astonishing effects of his rapid and impetuous eloquence. Like Felix, when Paul preached, he trembled, and was apprehensive the hon. gentleman would have persuaded him to give his vote in opposition to the Bill, notwithstanding his determination to the contrary. But his terrors soon subsided, when the hon. gentleman candidly declared he knew nothing of the important subject of debate; and indeed he had proved the sincerity of his professions by the very jet of his argument. The hon. gentleman owned that he had been in the Irish House of Commons last Wednesday, displaying, no doubt, his elocution in his usual manner, and receiving the applause of his astonished audience: he had then crossed the seas and mountains with precipitation, took his seat, confessed his ignorance of the subject, and then accused the House of precipitation in having pushed on a Bill to the third reading, rashly, unconstitutionally, and unadvisedly, after a fortnight's debate, when every possible argument on both sides of the question had been discussed with all the acumen, subtilty, and abilities of that House. But as the hon. gentleman studiously avoided entering into particulars, he displayed his political sagacity by general aphorisms; and they derived consolation and improvement by hearing truths (which no man could dispute, and which they heard every day) solemnly sanctioned by so great and respectable an authority. The hon. gentleman had said, and truly said, the House should proceed with discretion, otherwise they could not act discreetly; but as the word 'discretion' might not have all the desired effect, he had added 'sound discretion,' which epithet, no doubt, gave it a legal and wonderfully parliamentary grace and dignity.

After this exordium, Mr Courtenay said, he expected to have heard some reasons to prove that the House had not proceeded with discretion, with sound discretion; but the hon. gentleman had not chosen to gratify his curiosity. However, he begged leave to return him thanks, for not overpowering him by the solidity of his arguments, and enchanting him by the brilliancy of his imagination; for if the hon. gentleman had exhibited his former blandishing powers of persuasion, he might (considering his peculiar admiration of the hon. gentleman, aided by his partiality to his countryman) have exhibited an extraordinary instance of inconsistency, by surrendering to the oratory of the hon. gentleman, though he had intrepidly held out against the graceful and elegant elocution of one right hon. gentleman, and the energy and logic of another, whose eloquence murmured along, both with the rapidity and clearness of the river Tweed. The hon. gentleman had also boasted of his being independent, and connected with no party. Mr. Courtenay observed, he was not acquainted with the hon. gentleman's political connexions: he gave his own definition to the word 'independent.' For instance, whenever he heard a member of that House speak without any knowledge of the subject, without any previous information of facts, and without any sound or solid argument, he denominated such a gentleman an independent member of parliament, as he certainly spoke independent of points and circumstances, which shackle and confine other members of a more abject and less enterprising spirit: at the same time he must observe, that the hon. gentleman was not singular in that respect; for since he had the honour of a seat in that House, he had heard many British senators express their sentiments in the same independent manner. The hon. gentleman had also been pleased to enter into a strict scrutiny and examination of the powers vested in the seven directors or commissioners, and attempted to shew the inconsistency and absurdity of those powers, by logically stating, that seven, divided into two arithmetical parts, one of three, the other of four; which two numbers added together, made up the number seven. Now, said the honourable gentleman, the number four is more than the number three; yet three makes a quorum, consequently the smaller number governs the greater; and by this incongruous system the minority forms the majority. How this applied to the present Bill, Mr. Courtenay declared he could not comprehend; but doubting his own comprehension, rather than suspecting want of perspicuity in the hon. member, he had asked several gentlemen who sat near him to expound this riddle, but they also equally confessed their ignorance.

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He therefore entreated the hon. gentleman not to let the House 'burst in ignorance;' but to illumine this opake political point with the splendor of his genius. The hon. gentleman had also, with profound learning and ingenuity, alluded to the celebrated and unhackneyed story of the Decemvirs; and seemed fearful lest some of the young directors should, like Appius, commit a rape on Virginia; or, to speak a more constitutional language, violate the purity of that immaculate House: but he was under no such apprehension, as the debates of that night had convinced him, that we had our British Cassii, our Tribonii, and our Brutii, who, with indignant spirits and manly exertions, would avenge the cause of their injured country.

Mr. Courtenay concluded, by apologizing to the House for taking up so much of their time; nothing but deference and respect to the hon. member could have induced him to trouble them at that late hour. He thought himself particularly called on by the hon. gentleman, the accommodating eccentricity of whose arguments seemed so exactly calculated to his capacity. He appealed to the House, whether he had not given them their full force; indeed, it had not puzzled him how to answer them, but where to find them. He congratulated the House on the hon. gentleman's declining (for reasons he had explained at the beginning of his speech, viz. his absolute ignorance of the subject) to enter into the argument at large, on the principle, policy, and expediency of the Bill. If the hon. gentleman had done so, he must have followed him, and rung all the changes on legislative and executive power, with which the House had been so edified and entertained.

The House then divided on the question, That the Bill be read a third time;

Tellers.

Yeas	Lord Maitland - - - Mr. Burke - - - -	208
Noes	Mr. Powys - - - - Sir George Yonge - -	102

The Bill was read through, and the names of Stephen Lushington and Jacob Wilkinson scratched out of the clause nominating the assistant directors, at their own requisition, and those of Joseph Sparks and James Moffatt, upon motion received, agreed to, and engrossed in their stead. The title of the Bill was altered; after which it was passed, and carried up to the Lords by Mr. Secretary Fox.

*

Copies of Mr. Fox's East India Bills.] The following are Copies of Mr. Fox's East India Bills:—

A Bill for vesting the Affairs of the East India Company in the hands of certain Commissioners, for the Benefit of the Proprietors and the Public.

Whereas disorders of an alarming nature and magnitude have long prevailed, and do still continue and increase, in the management of the territorial possessions, the revenues, and the commerce of this kingdom in the East Indies; by means whereof the prosperity of the natives hath been greatly diminished, and the valuable interests of this nation in the said territorial possessions, revenues, and commerce, have been materially impaired, and would probably fall into utter ruin if an immediate and fitting remedy were not provided:

Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and the Commons, in this present parliament assembled, and by the authority of the same, that the government and management of the territorial possessions, revenues, and commerce of the united Company of merchants of England trading to the East Indies, by the directors and proprietors of the said Company, or either of them; and all and singular the powers and authorities of the said directors and proprietors, or of any special, or general, or other court thereof, in the ordering and managing the said possessions, revenues, and commerce; and all elections of directors of the said united Company, be, and are hereby declared to be, discontinued, for and during the continuance of this Act; any charter, usage, law, or statute to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that for the better governing, ordering, and managing the said territorial possessions, revenues, and commerce, the right hon. William earl Fitzwilliam, the right hon. Frederick Montagu, the right hon. George Legge, commonly called lord viscount Lewisham, the hon. George Augustus North, sir Gilbert Elliot, bart., sir Henry Fletcher, bart., and Robert Gregory esq., shall be, and they are hereby constituted and appointed directors of the said united Company, and shall be, and they are hereby constituted members of the said Company; and that the said directors hereby appointed, or

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any three of them, shall have, use, possess, and exercise all and singular the powers and authorities which have been at any time heretofore vested in, or lawfully exercised by, the said directors hereby discontinued, or proprietors, or by the general court of proprietors of the said united Company, and all such farther and other powers and authorities, and under such directions, and subject to such limitations and restrictions as in this Act, or in any other Act, the provisions whereof are not hereby altered or repealed, are contained, for the government and management of the said territorial possessions, revenues, and commerce of the said united Company, or in any wise relative thereto.

And be it further enacted by the authority aforesaid, that the said directors hereby appointed shall, and they are hereby authorized and empowered, immediately from and after the commencement of this Act, to enter into and upon, and to possess themselves of all lands, tenements, houses, warehouses, and other buildings whatever, of or belonging to the said united Company; and also to take into their custody and possession all books, records, documents, charters, acts, instruments, letters, and other papers whatsoever, and also all ships and vessels, goods, wares, merchandizes, money, securities for money, and all other effects whatsoever, of or belonging to the said united Company, in trust for, and for the benefit of, the proprietors thereof, and to have, hold, and possess the same, in like manner as they were held and possessed by the directors hereby discontinued, subject to such charges, claims, and demands as do or may affect the same; which directors so discontinued, and all other officers and servants of the said united Company, are hereby enjoined, immediately upon the requisition of the said directors hereby appointed, signified under their hands and seals, or the hands and seals of any three of them, to deliver to them, or to such person or persons as they shall for that purpose appoint, all such lands, tenements, houses, warehouses, buildings, books, records, documents, charters, acts, instruments, papers, ships, vessels, goods, wares, and merchandizes, money, securities for money, and all other effects whatsoever.

And for the sole purpose of ordering and managing the commerce of the said united Company, under and subject to the orders and directions of the said directors hereby appointed, be it further enacted by the authority aforesaid, that Thomas Cheap, esq.; George Cuming, esq.; Richard Hall, esq.; John Harrison, esq.; Joseph Sharp, esq.; John Michie, esq.; John Smith, esq.; George Tatem, esq.; and James Moffatt, esq.; being proprietors, each of them two thousand pounds capital stock in the said united Company, at least, shall be assistant directors for the purpose last aforesaid; and shall, from time to time, without requisition, and also as often as they shall be thereunto required, render an account of their proceedings to the said directors hereby appointed; and in all matters and things whatsoever, shall pursue and follow such orders and directions as they shall from time to time receive from such directors.

And be it further enacted by the authority aforesaid, that in case any vacancy or vacancies shall happen in the office of the said directors hereby appointed, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled by his Majesty, under his sign manual, within twenty days after notice of such vacancy or vacancies shall have been given to one of his Majesty's principal secretaries of state.

And be it further enacted by the authority aforesaid, that in case any vacancy or vacancies shall happen in the office of the said assistant directors, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled by the majority of the proprietors of the said united Company, qualified in the manner required by an Act of the thirteenth year of his present Majesty, intituled, "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe;" which proprietors, at such election of any assistant director, shall not vote by ballot, or in any other covert or concealed manner, but in an open court, for that purpose only specially summoned; and every such proprietor, in giving his or her vote, shall subscribe his or her name in a book to be prepared for that purpose, under the name of the person for whom he or she shall vote.

And be it further enacted by the authority aforesaid, that if five of the said directors hereby appointed, who shall be present at any meeting, shall, upon inquiry, and after examination into the conduct and behaviour of the said assistant

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directors, find that any of them is guilty of neglect or misdemeanor in the execution of his said office, or of wilful disobedience of any order or orders of the said directors hereby appointed, they are hereby authorized and empowered to remove and displace of such assistant directors; entering in their journals their reasons respectively for removing or displacing such assistant director, signed with their respective names.

And be it further enacted by the authority aforesaid, that the said William earl Fitzwilliam shall be, during his continuance as a director by virtue of this Act, chairman of the board of directors, and the said right hon. Frederick Montagu, deputy chairman thereof; and if the said chairman shall die, resign, or be removed from such office of director, at any time during the continuance of this Act, then and in that case the said deputy chairman shall succeed to the office of chairman of the said board of directors; and if the said deputy chairman, being become chairman of the said board of directors, shall also die, resign, or be removed from the said office of a director, then and in that case, and also in every other case of a vacancy in the office of a chairman of the said board of directors, the said directors hereby appointed shall chuse and elect one of themselves to supply such vacancy; and if a vacancy, either by succession or otherwise, shall at any time happen in the said office of deputy chairman of the said board of directors, established by this Act, the said directors hereby appointed shall, in like manner, chuse and elect one of themselves to supply such vacancy.

And be it further enacted by the authority aforesaid, that the said chairman of the said board of directors, or, in his absence, the said deputy chairman, shall have power to call or summons any extraordinary meeting of the said directors hereby appointed, at such time or times as he shall think expedient; and may, at any meeting whatever of such directors, if he shall think fit, propose the business to be first considered by such directors at such meeting; and in case of an equal division of voices on any question whatever before the said board of directors, shall have the casting voice: provided always, that nothing herein contained shall prevent the majority of such directors present at any meeting from adjourning their meetings to such time or times as they shall think proper.

And be it further enacted by the authority aforesaid, that it shall not be lawful for the said directors hereby appointed, or any of them, upon any question whatever, to vote by ballot, or in any other covert manner; and that in any difference of opinion, except as to the election to offices of persons not having before been in the service of the said united Company, the said directors (as well the majority as those who shall dissent) shall each of them enter, on the journals of the said directors, his reasons for his vote, signed with his name, or his adherence to the reasons entered by any other director.

And be it further enacted by the authority aforesaid, that no person furnishing the said united Company with shipping, or with any article of their investment outwards, either from Great Britain, or from such ports and places as the Company's ships have occasion to touch at in their way to India, or with any naval or military stores, or concerned in buying and selling any commodity of the said united Company's importation, shall be capable of being a director or assistant director for the execution of this Act.

And be it also enacted by the authority aforesaid, that no person shall be capable of being a director, or assistant director, for the execution of this Act, against whom the charge of any corrupt practice, peculation, or oppression in India, doth or shall appear in the records of the said united Company within the space of two years before the time of his nomination, or shall be made upon oath before the said directors hereby appointed within the space of two years before the time of his nomination, until such directors, or three of them, shall have examined into the same, and shall have severally declared that they have examined into the said charge, and do in their conscience believe such person not guilty of the said charge; or that they do, upon the said examination, find the said charge not of sufficient importance to exclude the said person from the said office of director or assistant director, as the case may be; and that they have entered upon their journals their reasons for such their opinion.

And be it further enacted by the authority aforesaid, that no person who hath been, now is, or shall hereafter be, in the service of the said united Company in India, shall be capable of being a director, or assistant director, for the execution of this Act, within the space of two years

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from the time of his last return from India.

And be it further enacted by the authority aforesaid, that the said directors hereby appointed shall, once in every six months, lay before the proprietors of the said united Company, in a general court to be for that purpose assembled, an exact state of the debts and credits of the said united Company; the first cost and charges of their investments, outward and inward; with the sums of money in India applicable to an investment, according to the last accounts received therefrom; an account of the shipping; an account of the produce of the sales; and the state of the warehouses at home and abroad.

And be it further enacted by the authority aforesaid, that the said directors hereby appointed shall, within twenty days after the commencement of every session of parliament, lay before the lords commissioners of his Majesty's Treasury (who are hereby authorized and required, without loss of time, to lay the same before both Houses of Parliament) an account of the produce of the territorial and other revenues of the said united Company in India; and also estimates of the civil, military, and naval establishments there; together with a state of the bond and other debts due from the said united Company in India, distinguishing what belongs to each of the principal presidencies and settlements of the said united Company in India; and also the state of the trade, laid by the said directors before the said proprietors at their then last general court.

And be it further enacted by the authority aforesaid, that the said directors hereby appointed, or the major part of them, shall have full power and authority to remove, displace, suspend, appoint, confirm, or restore, all and every person or persons whatsoever, from or to any office, station, or capacity whatsoever, civil or military, in the service of the said united Company, or within the limits of the said united Company's charters, or any of them, or any way concerned in the management of their affairs within this kingdom, or in India, whether any such person or persons shall have been nominated or appointed in and by any act or acts of parliament, or howsoever otherwise nominated or appointed; except as herein provided and established, as to the appointment and removal of such directors themselves, and of the said assistant directors.

And for the more speedy and effectual punishment of offences committed in India by persons employed in the service of the said Company, be it enacted by the authority aforesaid, that whenever any charge of corruption, peculation, oppression, extortion, receipt of presents, usury, breach of orders, or other grievous offence, shall be exhibited or made before the governor-general and council of Bengal, or the president and council of any of the presidencies or settlements abroad of the said united Company, and transmitted from thence to the court of directors hereby discontinued, or to the said directors hereby appointed, against any of the said governors, presidents, or members of the council of any of the said presidencies or settlements of the said united Company, or others, in any office, station, or employment, civil or military, in the said united Company's service; or which shall be exhibited or made by any of the native princes dependent upon, or under the protection of the said united Company, against any such person or persons; the said directors hereby appointed shall, within twenty days after the same shall be received, enter into an examination of such charge; and if, upon or in consequence of such examination, such directors shall not think proper either to recal or order a prosecution against such person so charged, each and every such director, making such examination as aforesaid into such charge, shall enter in writing, and subscribe with his name, in the journals of such directors, his opinion on the validity and importance of such charge, with his specific reasons, on the particular case, for not recalling the person so charged, or for not ordering a prosecution upon such charge.

And be it further enacted by the authority aforesaid, that before any person or persons whatsoever, who have been, are, or shall hereafter be, in the service of the said united Company, in any office, station or employment whatsoever, civil or military, in any of the presidencies or settlements of the said united Company abroad; and who have been, or are, or shall be, in Great Britain after such service abroad; and against whom any charge shall appear upon any of the Company records, or shall have been made to the said court of directors hereby discontinued, or general court of proprietors, or shall be made or exhibited to the said directors hereby appointed; shall be permitted by the said directors hereby appointed to re-

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turn to any part of India, either in the same or in any other office, station, or employment, in the service of the said united Company; and also, before the said directors hereby appointed shall confirm the appointment, or suffer the departure from Great Britain for India, of any person or persons who may have been, or shall be, appointed to any office, station, or employment whatsoever in the service of the said united Company, and against whom any such charge shall appear, or shall have been made, or shall be made as aforesaid; and also before the said directors hereby appointed shall themselves appoint any person, having before been in the service of the said united Company, to any office, station, or employment whatsoever, in the said united Company's service, and against whom any such charge shall appear, or shall have been made, or shall be made as aforesaid; the said directors hereby appointed shall, and they are hereby required to make a full and particular examination and inquiry into the conduct of every such person, relative to the said service, and the subject matter of such charge; and shall enter on their journals their reasons for permitting any such person to return, or confirming the appointment, and permitting the departure, of any such person, or for themselves appointing any such person (as the case may be) notwithstanding such charge.

And be it further enacted by the authority aforesaid, that in case of any disputes, differences, or controversies whatsoever, which have arisen and are depending, or which shall or may hereafter arise, between the governor general and council of Bengal; or between any of the presidents of any other of the settlements of the said united Company and their respective councils; or between any of the subordinate chiefs and their councils; or between the government of one settlement and the government of any other settlement; or between any of the governors or presiding powers of any of the subordinate settlements; the said directors hereby appointed shall, within twenty days after the receipt of any official account of any such dispute, difference, or controversy, enter upon an examination and inquiry into the same; and shall, within three months thereafter, either come to a definitive decision thereupon, or enter upon their journals their reasons, signed with their respective names, for not coming to such definitive decision.

And be it further enacted by the authority aforesaid, that if at any time the governor-general and council of Bengal, or the president and council of any of the principal or subordinate settlements, shall require the direction or opinion of the said directors hereby appointed, on any matter whatsoever for the government of such governor-general and council, or president and council, or for the settlement or accommodation of any matter in dispute, or likely to come into dispute, between or among them, or any of them; the said directors shall return an answer, opinion, or direction, to such requisition, within three months after receiving the letter or letters containing the same, or enter upon their journals their reasons, signed with their respective names, for not sending the same within the time aforesaid.

And be it enacted by the authority aforesaid, that if at any time complaint shall be made of any breach of treaty, injury, wrong, or grievance, done or committed against any native prince in India, by any of the governments of the said united Company's settlements, or any officer or other person, civil or military, in the service of the said united Company; or if any such breach of treaty, injury, wrong, or grievance, shall (without complaint being made thereof) appear upon any part of the correspondence relating to the said united Company's affairs; the said directors hereby appointed shall, as speedily as may be, inquire into such breach of treaty, injury, wrong, or grievance; and shall begin their examination into the same, by reading and considering any treaties, agreements, or assurances, subsisting between the said united Company and such native prince, or any way relative to him, if any such there shall be, or any orders which may have been given by the court of directors hereby discontinued, or general court of proprietors, relating to such native prince; and the said directors hereby appointed shall do full and complete justice to such native prince for such breach of treaty, injury, wrong, or grievance, and on every material article and head of charge (if there be more than one) specifically, and not upon the whole of such charge in gross.

And be it further enacted by the authority aforesaid, that three, and not less, of the said directors, shall form a board for executing this Act, or any of the powers thereof, or any other powers vested

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in or committed to, or which shall be vested in or committed to, such directors, and the major part of the said directors present shall determine, except where the voices shall be equally divided, and then the chairman, or in his absence the deputy-chairman, shall have two voices, or the casting voice.

And be it further enacted by the authority aforesaid, that all the correspondence of the said directors hereby appointed, with all persons whatsoever in the service of the said united Company, shall be signed by the secretary of such directors, by order of the board.

And whereas, by virtue of the charter of the said Company, and the regulations which have from time to time been made for the better government of the said Company, it is required, that certain acts should be done or consented to, and that certain accounts should be signed by a particular number of the directors hereby discontinued; be it therefore enacted by the authority aforesaid, that in all cases whatsoever, where any act, matter, or thing is directed to be done or consented to, or any accounts or writing to be signed by the directors hereby discontinued, or to be done or consented to, or signed by any particular number of such directors, such act, matter, or thing shall, from and after the commencement of this Act, be done or consented to, and such accounts or writing shall be signed by three of the directors hereby appointed.

And be it further enacted by the authority aforesaid, that the said directors hereby appointed, and assistant directors, and each and every of them, during the continuance of this Act, shall be utterly incapable of taking, holding, or exercising any office, station, or employment whatsoever, in the service of the said united Company; and shall also be incapable of taking, holding, or exercising any other place of profit from the crown, during pleasure.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty to remove any of the said directors hereby appointed, or assistant directors, upon an address of either House of Parliament.

And whereas a doubt may arise, whether the place of director, when the same shall be held by any person to be appointed by his Majesty in manner herein before provided, be not within the provision of an Act of the sixth year of the reign of queen Anne, intituled, "An Act for the security of her Majesty's person and government, and of the succession to the crown of Great Britain in the Protestant line," although the said place shall have been created and erected by authority of parliament: be it therefore enacted and declared by the authority aforesaid, that such office shall not be deemed and taken to be within the intent and purview of the said Act; nor shall any person accepting and holding the same, by an appointment from his Majesty under his royal sign manual, be thereby disqualified from being elected, or sitting and voting as a member of the House of Commons.

And be it further enacted by the authority aforesaid, that there shall be allowed and paid for and to each of the assistant directors, for so long time as he shall continue in the office, a clear yearly salary of five hundred pounds, payable by half yearly payments; and that the respective payments of the said salaries shall be stated and allowed in the account of the disbursements for the management of the affairs of the said united East India Company.

And be it further enacted by the authority aforesaid, that this Act and all the provisions herein contained, shall commence and take effect from and immediately after this Act shall have received his Majesty's royal assent, and shall continue, and be in full force for and during the space of four years.

A BILL for the better Government of the Territorial Possessions and Dependencies in India.

Whereas great disorders have prevailed in the government of the British territorial possessions, and dependencies thereof in India; and the laws and lawful authority of this kingdom have not been duly obeyed by divers of the servants of the united Company of merchants trading to the East Indies:

For remedy whereof in future, be it declared and enacted, and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lord's spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that there is not, nor hath been, any privilege, authority, power, pre-eminence, or jurisdiction granted, or meant or intended to be granted, in and by an Act of the 13th year of the reign

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of his present Majesty, intituled, "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," or in and by any other act or acts whatsoever, or in or by any law or usage whatsoever, for the governor-general and council of Bengal, or either or any of them, collectively or individually, or any other person whatsoever in the service of the said united Company, which doth or shall in any manner exempt him or them, in the exercise of any powers or authorities whatsoever, from a strict and faithful obedience to the orders and directions which have been issued to or for them from the late or any other court of directors, or which shall or may be issued to or for them by the commissioners named and appointed in an Act of this session of parliament, to manage and govern the affairs of the said united Company, instead of the said court of directors and general court of proprietors, or such other commissioners as shall or may be lawfully appointed for exercising the powers given them in and by the said Act.

And be it further declared and enacted, that all general or special orders of the court of directors of the said united Company for the regulation of the conduct of the governor-general and council of Bengal, or of any other president and council, or of any other person or persons, in any other station, office, employment, or capacity whatsoever, in the service of the said united Company, shall be, and are hereby declared to be, rules by which the persons herein before described shall be governed and directed, until notice shall be given by the said commissioners, of any alteration, revocation, or repeal of them, or any of them.

And whereas pretences have been used to evade the salutary regulations of the said Act of the 13th year of his Majesty's reign, relative to rules, ordinances, and regulations, as if the provisions contained in the said Act, relative thereto, were confined to certain forts and factories; whereby a power subject to no control has been exercised throughout the provinces of Bengal, Bahar, and Orissa; be it therefore declared and enacted, that all rules, ordinances, and regulations, which by the said Act it is made lawful for the governor-general and council of Fort William, to issue, for the good order and civil government of the said settlement, under certain restrictions and provisions in the said Act contained, were not, nor are meant or intended to be, confined only to such rules, ordinances, and regulations, as are made or issued for the government of, or relative to forts and factories, or other subordinate places in the said settlement only; but shall, and all such restrictions and provisions are hereby expressly declared to extend, without any exception or limitation whatsoever, to all rules, ordinances, and regulations, as are made or issued for the government of or relative to forts and factories, or other subordinate places, in the said settlement only; but shall, and all such restrictions and provisions are hereby expressly declared to extend, without any exception or limitation whatsoever, to all rules, ordinances, and regulations, made and issued by the said governor-general and council of Fort William, in whatever place, or wheresoever, or over whatsoever class or description of persons, the same are to operate.

And be it further enacted by the authority aforesaid, that any such rule, ordinance, or regulations, shall not only be duly registered and published in the supreme court of judicature, but an account or abstract of the true effect and substance thereof, and of every clause and provision thereof, in the Persian and Hindostan languages, shall be registered and published, and affixed up in some commodious and conspicuous place, in each and every provincial court within the provinces of Bengal, Bahar, and Orissa, or within the territory to which it relates.

And be it enacted by the authority aforesaid, that no delegation whatsoever of the powers of the governor-general and council of Bengal, or of any president and council of any other of the said settlements, shall be made or given to the said governor-general or president, or any other person or persons whatsoever; and in case the said governor-general, or any member of the council of Bengal, or any president or member of the council of any other of the said settlements, or any other person or persons whatsoever, shall be employed in the execution of any special commission, the proceedings thereupon shall not be finally approved, and confirmed, until a full report of the same shall be made to the said governor-general and council, or president and council, respectively; and the person or persons so employed shall, upon the requisition of the governor-general or president, or any member of the said council, deliver into council his

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documents or vouchers in support of any particular fact or facts alleged by him to have happened in the execution of such commission, and in support of which documents or vouchers might have been had.

And be it further enacted by the authority aforesaid, that all correspondence and communication whatsoever, of or by any resident, agent, or other person employed at the court of any native prince or state, or of or by any such native prince or state, or any agent or minister of such native prince or state, or of or by any chief and council of any factory or subordinate settlement, or any of them, or of or by any collector of revenue, shall be addressed to the governor-general and council, or president and council, respectively; and all correspondence and communication whatsoever of or by any such person or persons, whether addressed to the said governor-general or his secretary, or to any member of the council or his secretary, shall be laid before the council, after the same shall be received.

And be it enacted by the authority aforesaid, that the governor-general of Bengal, and the president of any other of the said principal settlements in India, may by his own authority, adjourn or postpone the consideration of any question whatsoever, in the respective councils in which they preside, for the space of
and no longer: provided always, that such governor-general or president shall not have power to adjourn or postpone the same question more than

And be it enacted by the authority aforesaid, that neither the governor-general and council of Bengal, nor president and council of any other of the said united Company's presidencies or settlements in India, shall have power to cede to, or exchange with, any native prince or state whatsoever, any territory which was in the possession of the said united Company, or of any of its dependent princes or states, in or immediately before the year
nor shall make or accept any acquisition whatsoever, whereby the territory of the said united Company shall be increased or extended, without orders or directions expressly for that purpose, transmitted by the said commissioners appointed in and by an Act of this present session of parliament, for managing the affairs of the said united Company.

And be it enacted by the authority aforesaid, that it shall not be lawful for the said governor-general and council of Bengal to invade, or enter with any armed force, or in any hostile or offensive manner, into the territory of any native, independent prince or state in India, except upon intelligence, the credibility and importance of which shall be allowed by a majority in council, and so declared to be, in minutes subscribed by each member composing such majority, upon the records of the said council, that such prince or state is about to attack and make war upon, or actually making preparations to attack and make war upon the territories of the said united Company, or of some of the princes or states dependent thereupon.

And be it further enacted by the authority aforesaid, that neither the said governor-general and council of Bengal, nor the president and council of any other of the said presidencies or settlements, shall have power to make any offensive alliance whatsoever, for the purpose of dividing or sharing any country or territory whatsoever, between or with the said united Company and any native prince or state in India, without the express orders and directions, for that purpose, of the commissioners aforesaid.

And be it further enacted by the authority aforesaid, that the said governor-general and council of Bengal, or any president and council of any other of the said presidencies or settlements, shall not make or enter into any treaty or agreement whatsoever, to hire out to any native prince or state in India, any part of the British or native troops serving in India under the orders of the said united Company; nor shall make or enter into any new treaty or agreement whatsoever, to or for the keeping up of any body of such troops in any of the countries or territories of any of the independent princes or states in India.

And be it further enacted by the authority aforesaid, that the said governor-general and council of Bengal, or any other of the presidents or councils of the said presidencies or settlements in India, shall not appoint to, or employ in any office, place, or station whatsoever, any person whatsover, native or British, who hath been or shall be removed from any office, station, or place whatsover, for any misdemeanour or other offence, without authority for that purpose first had and obtained from the said commissioners.

And be it further enacted by the authority aforesaid, that it shall not be lawful for the said governor-general and council

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of Bengal, or any president and council of any other of the said presidencies or settlements in India, or any collector of revenue, or chief or other member of any provincial or subordinate settlement in India, to let or rent any farm of land, or other thing whatsoever, to any banian, native steward, or other native servant whatsoever, of any governor-general, president, or member of any council, collector of revenue, or of any officer in the army, or of any judge in the supreme court, or of any civil servant of the said united Company; and all contracts and agreements made contrary to this Act, with any such banian, native steward, or native servant, for the purpose of letting or renting any farm of land, or of other thing whatsoever, shall be deemed and taken to be for the account of the principal, or person in whose service such banian, native steward, or native servant is; and such banian, native steward, or native servant, shall account to the said united Company for the profits made by such farm of land or other thing; which profits shall and may be recovered from such principal, or person in whose service such banian, native steward, or native servant was, at the time when such contract or agreement was made or entered into.

And be it further enacted by the authority aforesaid, that from and after all monopolies, rights of pre-emption, or preferences, by any authority, or upon any pretence whatsoever, of any commodities or goods in any of the said united Company's settlements in India, shall be, and are hereby declared to be contrary to law, and void.

And be it further enacted by the authority aforesaid, that no debt or balance exceeding in consequence of any advance to be made for the making of any manufacture, or for the purchase of materials by any person making the same, or to any husbandmen or actual cultivator of land for any raw commodity, shall be recoverable in any court, or by any action or suit at law, or by any compulsory or other process or means whatsoever, after the space of from the time of making the said advances: and that it shall not be lawful to imprison in any common prison, or in any private house or out-house, any person whatsoever, for or by reason of any such advances, within the said space of or at any time afterwards.

And whereas in and by the said Act of the thirteenth year of the reign of his present Majesty, it is enacted, that every present, gift, gratuity, donation, or reward, accepted, taken, or received, contrary to the true intent and meaning of the said Act, shall be deemed and construed to have been received and taken to and for the sole use of the said united Company. And whereas the said provision hath been attended with inconvenience, inasmuch as it has been pretended that the servants of the Company have liberty to take and receive presents, accounting to the said united Company for the same: be it therefore enacted by the authority aforesaid, that every such present, gift, gratuity, donation, or reward, accepted, taken, or received, if the same shall not be corruptly given to obtain any place or other object, to which the person giving the same shall not be entitled, shall be returned or re-delivered to the person giving the same, or his representatives, according to the custom of the country; and such person, or his representatives, shall and may recover the same by any suit, action, or bill, or other mode of proceeding whatsoever in use in the place where such gift, gratuity, donation, or reward, shall be accepted, taken, or received, brought at any time against the person to whom the same was given, or his representatives; and if the same was corruptly given to obtain any place, or other object, in or any way relating to the said united Company's service, then and in that case the person giving shall not be entitled to recover the same, but the same shall be to and for the sole use of the said united Company, as heretofore.

And whereas it may happen that neither the person giving such present, gift, gratuity, donation, or reward, nor the said united Company, may sue for the same; be it therefore enacted, that in case the person giving the same, or the said united Company, shall not sue for the same within months, then the same shall and may be sued for, and recovered, in manner aforesaid, by any person or persons whatsoever, to and for his and their sole use and benefit.

And be it further enacted by the authority aforesaid, that if any person, from and after shall, contrary to the said Act of the thirteenth year of the reign of his present Majesty, accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of

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the Indian princes or powers, or their ministers or agents, or any of the natives of Asia, any present, gift, donation, gratuity, or reward, pecuniary or otherways, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity or reward, and shall be therefore legally convicted in the supreme court at Calcutta, or in the mayor's court in any other of the said united Company's settlements, or in any court of competent jurisdiction to try such offence in this kingdom, such person shall thereupon

And whereas some of the servants of the said united Company have raised the rents paid by landholders to the said united Company, and have farmed out the lands at new rents, by means of which practices several ancient families have been dispossessed of lands long in their occupation, and have been reduced to indigence and distress: for remedy whereof, be it enacted and declared by the authority aforesaid, and it is hereby enacted and declared, that all lands and tenements within the provinces of Bengal, Bahar, and Orissa, or in any territories in which the receipt and management of the revenues is or shall be under the immediate administration of the said united Company, or their servants or agents, not in the actual occupation of the said united Company, or by them leased or farmed out, in or immediately before the year shall be deemed and taken to be the estate and inheritance of the native landholders and families who then had and held the same, unless dispossessed by judgment of some competent court, for some crime or misdemeanour, or non-payment of their rent, and shall be from henceforward enjoyed by them, and their heirs and descendants, according to the custom of the country of or relating to the same, or where the same is had and held, without any molestation, interruption, or disturbance whatsoever, of or by the said united Company, their governors, council, ministers or servants.

Provided always, that nothing herein contained shall be construed to deprive the said united Company of the rent or tribute which shall be due or payable to them from such native landholders, their families or descendants, for or on account of any such land; or to prevent the said united Company from having or taking any means, according to the laws and usages of the said countries, for recovering and obtaining payment of such rent or tribute.

And, for quieting the minds of the said native princes, and preventing the corrupt practices which may arise from arbitrary alterations of rent or tribute; be it enacted by the authority aforesaid, that the rent, tribute, service, or payment, paid, or agreed to be paid by the said native landholders, in the provinces or territories aforesaid, to the said united Company, in or immediately before the year shall remain and be, and be deemed and taken to be, the fixed and permanent rent, tribute, payment, or service, which shall be payable to the said united Company by the said native landholders, their families, heirs, and descendants; and that it shall not be lawful for the governor-general and council of Bengal, or the governor and council of any other principal settlement, or the chief and council of any subordinate settlement, or any other servant or agent of the said united Company, to alter such rent, tribute, service, or payment, upon any pretence whatsoever, or to exact from or impose upon any such native landholder, his family, heirs, or descendants, any farther or greater rent, tribute, service, or payment, or any other charge than is herein provided.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for the governor-general and council of Bengal to restore, and they are hereby authorized and required to restore to every native landholder, his heirs or descendants, according to the usage of the country, who shall have been removed or dispossessed of his land or territory, the actual possession thereof, upon the rent, tribute, service, or payment herein before provided, if such native landholder shall be willing or desirous to repossess his land or territory; subject, nevertheless, to such farm or leases thereof as shall or may have been made before the and shall be still existing; and if such native landholder shall have quitted, or been dispossessed of his land or territory, for or upon condition of receiving any pension or appointment in lieu thereof, and shall prefer such pension or appointment, the same shall, on no account, or upon no pretence, be discontinued, withheld, diminished, or taken away, but shall be regularly paid to such native landholder, his family, heirs, or descendants, according as the land or territory was held, and to the terms and stipulations made with such native landholder.

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And be it further enacted by the authority aforesaid, that all native princes and states in India, who having the management of their own revenues, are engaged, by treaty or otherwise, to furnish or keep up a body of troops for the defence or service of the said united Company, or to pay any tribute or sum of money in lieu thereof, or to keep up or pay any body of English troops, or to pay any tribute or sum of money in lieu thereof, or who pay any tribute or sum of money for the protection of the said united Company, are under the protection of his Majesty, and shall not be disturbed or molested by any of the servants of the said united Company in the enjoyment of their rights according to the laws and usage of the country.

And whereas some of the servants of the said united Company have heretofore committed unwarrantable acts in and relative to the territories and revenues of the native princes and states under the said united Company's protection; be it further enacted by the authority aforesaid, that all and every of the servants of the said united Company, civil and military, shall be, and are hereby declared to be amenable to the said Commissioners appointed to manage the affairs of the said united Company, and in and to all courts of justice (both in India and in Great Britain), of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, crimes, and offences whatsoever, by them or any of them done or committed in any of the lands or territories of such protected native princes or states, or against their persons or properties, or the persons or properties of any of their subjects or people; whether the same were committed under pretence of the order of any native protected prince, or otherwise howsoever, in the manner as if the same had been done or committed within the territories directly subject to and under the British government in India.

And be it further enacted by the authority aforesaid, that no civil or military servant in the said united Company's service, or person in the service of his Majesty, shall, by himself, or any agent for him, take upon himself to collect or farm, or be any way concerned, directly or indirectly, in collecting or farming of any of the revenues of such protected native princes or states.

And be it further enacted by the authority aforesaid, that if any officer, civil or military, of the said united Company, shall invade or make war upon, or enter with an armed force, in a hostile or offensive manner, any of the territories of the native princes or states in India, not under the protection of his Majesty and the said united Company, without express orders in writing from the governor-general and council of Bengal, such person, upon conviction thereof in the supreme court of Calcutta, or in any mayor's court in any other of the said principal settlements, or in the court of King's-bench, or in any other court which shall have jurisdiction to try offences committed in India, shall be

And be it further enacted by the authority aforesaid, that none of the said protected native princes or states shall have any other native prince or state dependent upon him or them, any farther or otherwise than as such other native prince or state shall have stood bound or engaged to such protected native prince or state on or before the year for the payment of any sum or sums of money, rent or tribute, or for furnishing or supplying some definite quota of troops, which troops shall not be required or called for without the orders of the governor-general and council of Bengal, or president and council of some other principal settlement.

And be it further enacted by the authority aforesaid, that the succession of the said protected native princes shall be directed and disposed of according to the laws of the country, or to such treaties as shall have or contain any stipulation concerning the same; and that such succession shall not be altered or disposed of by will, or in any other manner, contrary to the laws of the country and the faith of such treaties.

And be it further enacted by the authority aforesaid, that such protected native princes or states shall not be permitted to rent or take, or have any farm or lease of any lands whatsoever, of or from the said united Company.

And be it further enacted by the authority aforesaid, that no such protected native prince shall be permitted to reside for more than in any of the said united Company's settlements, unless, being expelled from or driven out of his dominions, he shall take refuge in the said united Company's territories.

And be it enacted by the authority aforesaid, that from and after it

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shall not be lawful for any servant, civil or military, of the said united Company, to have or be engaged in the borrowing or lending of any money, or in any money transaction whatsoever, or in the farming of any lands or revenues, or in the buying or selling of any goods or commodities whatsoever, or in any other transaction of commerce or business whatsoever, with any such protected or other native prince or state; and all such transactions, and all contracts and engagements of or relating to the same, are hereby declared and any person or persons guilty of any such offence, and thereof convicted in the manner herein before last mentioned, shall be

And be it further enacted by the authority aforesaid, that it shall not be lawful for the said protected native princes or states to remove or dispossess any zemindar, or other native prince or landholder, nor to increase his rent or tribute beyond that which was paid by such zemindar or native prince in the year nor to farm any land at any higher or greater rent or tribute than the same was farmed at or for in the said year nor to resume any jaghire granted at any time before the year

And be it further enacted by the authority aforesaid, that all zemindars, and native princes and states, who shall have been dispossessed of their lands and territories by at any time since shall be restored to the possession and enjoyment of the same.

And be it further enacted by the authority aforesaid, that the nabob of Arcot, the rajah of Tanjore, or any other protected native prince in India, shall not assign, mortgage, or pledge any territory, or land whatsoever, or the produce or revenue thereof, to any British subject whatsoever; neither shall it be lawful for any British subject whatsoever to take or receive any such assignment, mortgage, or pledge; and the same are hereby declared and all payments or deliveries of produce or revenue, under any such assignment, shall and may be recovered back, by such native prince paying or delivering the same, from the person or persons receiving the same, or his or their representatives.

And be it enacted by the authority aforesaid, that it shall not be lawful for any British subject whatsoever to have, receive, or take any payment of money, produce, revenue, goods, commodities, or effects whatsoever, of or from any such native protected prince, or any agent or servant thereof, for or on account of any debt now due, or claimed to be due, from such protected native prince, except such debts as were consolidated in the year and allowed by the court of directors, and by them ordered to be recovered, without proof first made, to the satisfaction of the said commissioners, or such person or persons as they shall appoint, that such debt was fairly and *bona fide* contracted for money lent, or goods sold and delivered, or in some open and avowed course of trade and commerce, and not as or for a reward for any service done or performed, or intended to be done or performed, by any such British subject, to or for any such protected native prince, or for any other matter forbidden or prohibited to be made or done by any law or laws now in force, or hereafter to be in force, or by any order or orders of the said united Company, or any order or orders to be made by the said commissioners appointed to manage the affairs thereof; and an entry, with the nature and particulars of the claim, and of the evidence in support thereof, shall be made in the journal of the said commissioners, or in the minutes of such person or persons as they shall for those purposes appoint, with the opinion of the said commissioners, or such person or persons, thereon.

And be it further enacted by the authority aforesaid, that all disputes and differences whatsoever, now actually subsisting between the nabob of Arcot and the rajah of Tanjore, shall be examined and considered, as soon as may be, by the said commissioners appointed to manage the affairs of the said united Company; who shall, and they are hereby required, as soon as they shall have sufficiently examined and considered the same, to send and transmit such orders as shall appear to them best calculated for the quiet and final adjustment and termination of such disputes and differences, according to the principles of, and the terms and stipulations contained in, the treaty of 1762, between the said nabob of Arcot and the rajah of Tanjore; and to the orders and instructions of the court of directors given to George lord Pigot, late governor of Fort St. George, and to the arrangements made relative to such dispute and differences by the said George lord Pigot.

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And be it further enacted, that the said commissioners shall, and they are hereby directed and required to send and transmit to the governor-general and council of Bengal, or the president and council of Fort St. George, or to or by such other person or persons as they shall for that purpose specially nominate and appoint, full and explicit orders and directions, not only to settle and terminate the said differences and disputes, but also to take into consideration and examine the present state of the affairs, revenues, and debts of the said nabob of Arcot, and of the rajah of Tanjore; and to inquire into and ascertain the origin, nature, and amount, of all claims whatsoever on them by British subjects, and immediately to make a full report thereupon to the said commissioners; and to adopt, propose, or suggest, such ways or means for the liquidation and settlement of such debts as shall appear to be well-founded and contracted *bona fide* (and not by any illicit dealing, or in consequence of any breach or disobedience of the said united Company's orders) and for the payment and discharge thereof, by such installments, and at such times and in such manner as shall be consistent with justice, to the creditors of the said nabob and rajah, and to the service of the said united Company, and as shall occasion the least difficulty and inconvenience to the said nabob and rajah; and, as speedily as may be, to make a full report of all their proceedings touching the said matters to the said commissioners.

And be it further enacted by the authority aforesaid, that all polygars, which shall or may have been dispossessed or driven out of their lands or territories at any time since the year shall be restored to the possession of the same, and hold the same at and for the same, and no greater, rent or tribute as such polygars paid, or were liable to pay, on or immediately before

And whereas it is enacted in and by the Act of the 13th year of the reign of his present Majesty, that the said governor-general and council, or the major part of them, shall have power of superintending and controlling the government and management of the presidencies of Madras, Bombay, and Bencoolen, respectively, so far as that it shall not be lawful for any president and council of Madras, Bombay, or Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negociating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said governor-general and council first had and obtained (except in the cases of imminent necessity, and of special orders from the said united Company) with power to the said governor-general and council to suspend any president and council offending in any of the cases aforesaid: and whereas great disputes have at different times arisen respecting the extent of the said controlling power given to the said governor-general and council, to the embarrassment and injury of the said united Company's service; for remedy whereof, be it enacted and declared, that the said power given to the governor-general and council of Fort William, of superintending and controlling the government and management of the presidencies of Madras, Bombay, and Bencoolen, respectively, doth and shall extend to all negociations and cases whatsoever, which, though they shall not in themselves be the commencement, or orders for the commencement of hostilities, or the declaring or making war against any Indian princes or powers, shall nevertheless be of any unwarrantable nature or tendency against such Indian princes or powers, or shall be of a nature and tendency to create dissatisfaction and alarm among any of them, and consequently provoke to bring on and occasion hostilities and war, without directly importing or leading to the same: and in all such cases, the said governor-general and council shall have all the powers of suspending, given them in and by the said Act of the 13th year of the reign of his present Majesty; and shall enter on their minutes of consultation at large, the whole nature of the case in which, and the reasons for which, they exercise the said powers; and shall transmit the same, by the first opportunity, to the said commissioners appointed for the management of the affairs of the said united Company: and if the case in which the said superintending, controlling, and suspending powers, or any of them, are exercised, be such as creates a reasonable doubt whether the said powers apply to it, the governments and presidencies of Madras, Bombay, and Bencoolen, are nevertheless hereby required to submit and yield obedience to the acts of the said governor-

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general and council, and to lay the case before the said commissioners, for the determination thereof.

And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the government and presidency of Bombay, whenever and as often as any war against the said united Company, their possessions or dependencies, shall be actually commenced, or the danger thereof is impending and imminent, in the north-west and western coasts of India, or in the territories adjoining thereto, and in the neighbourhood thereof, or in any part of the territories of the states of the Mahrattas, to make and conclude any treaty or terms of peace, truce, or cessation of arms, with any of such Indian princes or states actually at war, or about to make war, or for the amity, assistance, or alliance of any other Indian prince or states, the better to defend the possessions of the said united Company against such war commenced or impending: provided always, that the said government and presidency of Bombay do and shall insert, or cause to be inserted, in all and every such treaty herein before mentioned, a clause or provision that the same shall be null and void, unless it shall be approved and ratified (within a certain reasonable time therein to be named) by the governor-general and council of Fort William; and the said government and presidency shall, and they are hereby required to enter on their minutes of consultation, at full length, the occasion of and necessity for such proceedings, with the reasons upon which they have acted, and the documents or vouchers (if any there shall be) for the facts alleged; and shall transmit the same from time to time, as they shall arise or happen, and all propositions relative to the same, as they shall be made, to the said governor-general and council of Fort William, and to the said commissioners appointed to manage the affairs of the said united Company, respectively; and shall obey and follow, under the pain of suspension, all such orders and directions thereupon as they shall receive from the said governor-general of Fort William, until the same shall be altered or corrected by the said commissioners.

And be it further enacted by the authority aforesaid, that the government and presidency of Madras shall have the like powers and authorities, under the same limitations and restrictions, in case of war against the said united Company, their possessions or dependencies, actually commenced, or the danger thereof impending and imminent, on the coast of Coromandel, from to on the coast of Malabar, or in the territories adjoining thereto, and in the neighbourhood thereof.

And be it further enacted by the authority aforesaid, that no governor-general, governor, or president, member of council, or other officer, civil or military, in the service of the said united Company in India (whether such person shall be actually in the execution of his office in India, or shall be absent therefrom in Great Britain, or in any other place), or any agent, in Great Britain or India, of any protected or other native prince in India, shall be capable of being a member of, or of sitting and voting in the House of Commons: provided, that every such person, actually a member of the House of Commons at the time of passing this Act, shall and may sit and vote for and during the remainder of the present parliament.

And be it further enacted by the authority aforesaid, that no person having been in the civil and military service of the said united Company, and who hath resigned or quitted the same, shall be capable of being elected into, or of sitting or voting in the House of Commons, at any time within after he shall have been returned to and resident in Great Britain, or whilst any proceedings in parliament, or any other public prosecution, shall be depending against him for any crimes or offences alleged to have been committed by him whilst he was in the said service: provided always, that such proceedings or public prosecution shall have been commenced before the expiration of the said space of after the return of such person, and shall be finally determined within the space of after the after the commencement thereof; otherwise the same shall not operate to disable such person from being elected into, or from sitting or voting in the House of Commons, unless the delay in such proceedings, or public prosecution, shall be at the request, or through the default of, the party prosecuted.

And be it further enacted, that all crimes and offences against this Act may be prosecuted in the supreme court at Calcutta, or in the mayor's court in any other of the principal settlements in India,

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or in the court of King's-bench, or any other court in this kingdom, which shall be established for taking cognizance of crimes and offences committed in India; and all the powers and authorities given to the said court of King's-bench, in and by the said Act of the 13th year of the reign of his present Majesty, and not herein otherwise provided for, are hereby declared to be extended to all the crimes and offences committed against this Act: and in all cases where the punishment is not herein appointed, the court in which the conviction shall take place, shall appoint such fine or imprisonment, or both, as they shall think proper, provided the fine shall not exceed nor the imprisonment and may, in their discretion, superadd the incapacity of serving the said united Company.

Expulsion of Mr. Christopher Atkinson.] Nov. 17. Sir *Thomas Davenport* rose with a motion in his hand, which, he said, not only in the first instance deeply concerned a gentleman who was a member of that House, but he would be fair to acknowledge, was meant to be followed up with proceedings of a very serious nature indeed. The motion was for a "Copy of the Record of the Proceedings upon the Indictment, in the court of King's-bench, against Christopher Atkinson, esq. a member of this House." He would forbear entering upon the whole of the case, till the papers called for were properly before the House; he would only say, that, exclusive of the enormity of the crime of which the party indicted had been convicted, the consequences of the indictment had been so extremely disgraceful to the person convicted, that he did not doubt, there was not a gentleman present who would not be of opinion, that the person alluded to ought no longer to be allowed to sit among them.—The motion was agreed to.

Nov. 24. Sir *T. Davenport* said, he had come down to the House with an intention to move that the record of the conviction of Mr. Atkinson be read, and to follow up that motion with another for the expulsion of that gentleman; but since he came into the House, some friends of Mr. Atkinson had requested that he would postpone his motion for some time, that Mr. Atkinson might have an opportunity, before so severe and disgraceful a punishment was inflicted on him, to make application to the court of King's-bench for an arrest of judgment. He was desirous to comply, in some degree, with the request of these gentlemen; but still he was not convinced, or satisfied, that Mr. Atkinson seriously intended to make application to the court, or he would have availed himself of the liberty afforded him of moving for a new trial, within the first four days of this term: having let the opportunity pass, it did not look as if he meant to apply at all. For his own part, he was no volunteer in this business; the Attorney-General having vacated his seat, it fell naturally upon him, as second counsel in the prosecution, to move for the expulsion. He wished not to be thought precipitate, and therefore he was willing to allow a delay of ten days; but he would not consent to what Mr. Atkinson's friends required, a delay till the first day of next term; nor would he consent to any delay, if they should object to that which he was willing to propose. He then moved, "That the further consideration of the said Record be adjourned to Thursday se'nnight, and that Mr. Atkinson do then attend this House in his place."

Mr. *Adam* said, that without any motive of friendship to Mr. Atkinson, but merely in compassion to an unhappy family, he wished that time might be given him till next term, to appear in court, and urge his reasons against the judgment that had been given against him. He understood that the cause of his absconding was merely to wait the issue of a bill filed in the Exchequer, and from which he hoped to make his innocence appear. In candour, therefore, he hoped that the learned serjeant would not refuse the time which Mr. Atkinson's friends had called for.

Mr. *Wilkes* observed, that as judgment had not been entered up, the record was incomplete; and the House should take care not to commit itself in a matter which might terminate so as to expose it to ridicule; for if Mr. Atkinson should be able hereafter to prove his innocence, and set aside the record, the House, if it should have expelled Mr. Atkinson, would then have punished a man for a delinquency which had never existed. He instanced the case of an attorney, who had been an officer of the court of King's-bench, and who was convicted of perjury. The man absconded; but during his absence he caused the principal witness, upon whose evidence he had been convicted, to be in-

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dicted for perjury, and the man was found guilty. Upon this the attorney returned home; but could not do away the record, because the time for moving for a new trial was elapsed. The court, however, satisfied of his innocence, notwithstanding the record of his guilt, restored him to his office of attorney, to his place in the court, and publicly declared his innocence. He concluded by moving, that the words 'Thursday se'nnight' be left out, and 'the 24th of January next' be inserted in their stead.

Mr. *Arden* did not object to a delay; but he thought the grounds upon which it was called for were far from solid. Gentlemen said the record was imperfect, because judgment had not been given; but this would be as good a reason for delaying the proceeding for years; for as judgment would be given only when Mr. Atkinson should appear, so it would constantly be in his power to keep the record imperfect: this argument, therefore, weighed but little with him; and though he would not refuse a reasonable delay, yet he expected that the House would be satisfied, that when a delay was called for, it was not for the mere purpose of suspending for a time the proceedings of the House, but with a real view to gain time to make a serious application to the court of King's-bench.

Mr. *Gascoyne* declared, that so far was he from desiring delay for any other purpose than to gain time for Mr. Atkinson to make a serious application to the court, that any security, to any amount, should be given for the appearance of that gentleman on the first day of the next term, if the learned serjeant would wait so long. As to the merits of Mr. Atkinson's case, he would say this, that a bill having been filed against him in the court of Exchequer, for the recovery of the money of which he was supposed to have defrauded government, he had filed an answer, which he understood was a very satisfactory one, and destroyed the idea of a fraud on his part: no exceptions had been taken to the answer; so that the matter was now in a fair way to be brought to an issue; and by that issue the innocence of Mr. Atkinson would appear, or his guilt be confirmed. It was agreed at the time of the trial, that in his case, if there was no fraud intended by him, there was no perjury: and consequently if it should turn out that the court should see that no fraud was intended, the House would surely be sorry to have, by a precipitate resolution, punished a man really not guilty of a crime. He said, that in looking for a delay till next term, he was warranted by a precedent, as Mr. Ward, of Hackney, had been expelled from that House the third term after his conviction.

Mr. *Eden* said, he did not rise to speak to the merits or demerits of Mr. Atkinson's case, but to set the hon. member right in the case he had just stated, which he was the better able to do, as he was that moment reading the account of it in the Journals. He then read aloud the words, "that John Ward, esq. having been convicted of perjury this term, resolved that he be expelled the House."

Sir *T. Davenport* would not consent to further delay. Gentlemen had said the record was incomplete; he wished to hear them say where it was incomplete. It certainly was not because sentence had not been as yet passed; that was no ways material or necessary to support the validity of the record. The Exchequer bill had been mentioned; but that had been filed merely for the purpose of recovering the sums of money of which government had been defrauded. If by Thursday se'nnight a sufficient reason was alleged, which to him and to the other learned counsel with whom he acted should appear satisfactory, he would not object to a farther delay. If the measure that he should propose should appear harsh, he would say that public justice called for it, and the honour of that House called for the speedy expulsion of a person who had been convicted of perjury, committed for the purpose of covering a fraud.

Mr. *Eyre* said, that if he was not misinformed, it was still in the discretion of the court, notwithstanding the lapse of the four first days of this term, to grant Mr. Atkinson a new trial; and therefore while it was possible that a new trial should take place, and that the record of conviction might be entirely done away, he hoped that the learned serjeant would not press the business with such precipitation. He had seen printed cases handed about; and he must needs say, that if they contained the truth, Mr. Atkinson's situation was very hard indeed, and the grounds of his defence very strong. As to the delay of ten days, he thought it too short; for, as Mr. Atkinson was out of the kingdom, he could scarcely, in that space, be apprised of the proceedings of this day, and be in London before the expiration of the ten days.

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The question was then put, when Mr. Wilkes's amendment was negatived, and the original motion carried.

Dec. 4. The order of the day being read, Mr. Williams, the messenger, was called to the bar, and asked by the Speaker, what he had done with the orders for Mr. Atkinson's appearance? to this he answered, that he went to Mr. Atkinson's house, where he was informed that Mr. Atkinson was not at home; he then left the orders at Mr. Atkinson's house. The record of the proceedings in the court of King's-bench was then read to the House, when

The *Attorney General* rose, and stated the whole process against Mr. Atkinson; the issue of which, he said, was, that Mr. Atkinson had absconded from the justice of his country. In this situation it became parliament to attend to their own dignity and importance. The member had been indicted, in his opinion, on the clearest and most unexceptionable evidence, for what the laws of this and every other country held a very grievous offence: and the question would naturally be with gentlemen, how was the House to act in such a case? Every society, in his opinion, were competent to their own preservation. It was the duty of parliament, as he conceived, for that reason, to come to an immediate decision on a point, in which its honour and respectability were so essentially interested. He would therefore move, "That Christopher Atkinson, esq. be expelled this House."

Sir *T. Davenport* said, that when he moved formerly in this business, which was from motives purely public and uninterested, the friends of Mr. Atkinson begged hard to have the motion put off for ten days. This point had been given up from principles of mere humanity, though it was not only foreseen, but foretold, at the same time, that this indulgence would answer no other end in the world, but to shew that the House would never be rigorous in the exercise of judgment, while the extension of mercy was compatible with its duty to the public. In the interval, however, abortive as this measure proved to the wishes of Mr. Atkinson's friends, another circumstance had occurred, which satisfied him that judgment could not be too soon given in the case. The principal witness in the process had been indicted, at Mr. Atkinson's instance, for perjury; but the grand jury had thrown out the indictment. This operated strongly on his mind; and for that reason he deemed himself bound to second the motion.

Mr. *Gascoyne* said, that he hoped it never would be thought disgraceful for any member to stand up and plead for mercy to another, in whatever circumstances he might be thrown by contingency or misfortune. He felt himself in this predicament. It could not be imagined, he trusted, by any one who knew him, that he was an advocate for the crime imputed to Mr. Atkinson; but he was thus disposed from the nature of his case, from the hardship which, in his mind, attended the situation of that unfortunate gentleman, and from the misery of his family. These motives had urged him to come forward. There still appeared to him the greatest probability that errors were in that indictment; and while that was the case, he did not think himself authorized to go the lengths proposed in the motion. Let them remember the case of Reed, the attorney and officer of the court of King's-bench, who had been convicted of perjury, who fled the country, but who indicted the principal witness against him, convicted that witness of perjury, returned to his country again, and was restored to his offices. He laid considerable stress upon this, and then accounted for Mr. Atkinson's having withdrawn himself so suddenly, imputing it to the terrors impressed upon him in consequence of the Attorney General's having given that notice on the first day of last term, which he had mentioned, of his insisting on the revival of a practice that had not been in use for nearly 25 years. Mr. Atkinson's case was a very hard one; and he hoped the House would not aggravate its severity, by inflicting their punishment upon him prematurely, or sooner than was actually necessary. He shewed that it was in the power of Mr. Atkinson to move an arrest of judgment. He pointed out the difference between conviction upon an indictment at common law, and an indictment on the statute. The verdict upon the latter carried the judgment with it, and completed the process; but a verdict upon an indictment at common law, and a judgment, were distinct things. Mr. Atkinson could have no judgment passed upon him till he appeared in court, and had answered the question, which the court were bound to put to him—what he had to urge why the judgment of the court should not be given

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against him? He adverted to the case of Ward, who was formerly expelled. Ward, he said, had been convicted of forgery, and under circumstances of a very different nature. He also mentioned the case of Lukeup, convicted of perjury at the Old Bailey, but rescued from the fate such conviction would have carried with it, by the ingenuity of Mr. Ford, the clerk of the Arraigns, who discovered an error on the face of the record. He applied these cases to the present one; and after shewing, that if the House expelled Mr. Atkinson, and he should hereafter prove his innocence, they would commit an act of injustice beyond remedy, he said he had authority to declare, that two of the first bankers in London were ready to give bail to any amount that might be required, as a security for Mr. Atkinson's appearance on the first day of next term. He pressed this strenuously, and said, his chief motive for being so urgent was the distressed situation of Mrs. Atkinson, a lady of a good family and fortune, who was then in a condition the most deplorable that could possibly be conceived. She dreaded, as the worst of evils, the House coming to a vote of expulsion till her husband had an opportunity of moving an arrest of judgment, on which she relied as the means of establishing his innocence. He painted the distress of Mrs. Atkinson's family in lively terms: his heart, he said, could not help bleeding for them; and he implored gentlemen to turn their attention from the father to his innocent and helpless offspring, whom they were about to punish with the extremest rigour, by stigmatizing them in the Journals of the House. Surely, whatever the iniquities of the parent might be, his children were still faultless; and what was this motion but a blot on his posterity, as long as this House and these Journals existed? He would not mention any other circumstances, as these, in his opinion, were sufficient to weigh with the humane and benevolent, which he hoped would always be the majority in a British parliament.

Sir *Robert Herries* was of the same opinion with the preceding speaker. He strongly suspected Mr. Atkinson had some way not met with fair dealing in the verdict against him. He should hope, at least, that the evidence which were employed to substantiate the proof had failed, and that his present situation might originate in his own timidity. He, therefore, persuaded himself this motion would not pass, as members could not but feel for the misfortunes of Mr. Atkinson, whom he sincerely believed innocent of the charges preferred against him.

Sir *P. J. Clerke* was at some loss what construction to put on the conduct of Mr. Atkinson's friends. Why did they not move? he should then have known how to have voted: but at present there was no question. He would, therefore, wish the hon. gentleman would bring what he so importunately requested before the House in some regular form. For his own part, he saw no impropriety in extending as much time, and even lenity, as possible: it suited the dignity of parliament; and he did not doubt but parliament in this, as in all other cases, would religiously consult, not only its own honour, but the good of the community at large.

Mr. *Gascoyne* said, that he would certainly have laid a proposition before the House, but that he was in hopes the learned gentleman who had made the motion would, on hearing a true statement of the circumstances attending the present condition of that unhappy man and his family, have voluntarily dropped, for the present, any farther proceedings in the matter. As that was not the case, he would move, "That the debate be adjourned till the 23rd of January next."

Sir *R. Herries* seconded the motion, and said, he had no objection to become bail for Mr. Atkinson, and hoped the House would accept of him.

The *Attorney General* stated to the House the whole business, and commented very freely, as he went through the facts, on what he thought became Mr. Atkinson, and what not. The charge against him was ably drawn, and well supported. He had virtually confirmed the suspicions that settled on his conduct, by having left the country; and surely parliament was not to harbour in its bosom those who had first flown in its face, and then evaded its authority. He did not wish to aggravate things sufficiently heinous in their own nature; but the friends of such as had thus placed themselves in the most aukward situations were often two officious; and he was afraid this would prove to be a case of that kind, for he should hope the good sense of the House would see there was not the least pretence for the adjournment. Had not Mr. Atkinson had sufficient time? Might he not have been on the spot during the whole of last term? And

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why expect him now more than then? He was therefore bound to support the motion, not only from principles of consistency, but because it could answer no other purpose than to protract a sentence which they would find ultimately indispensable. Humanity to individuals, as urged by the hon. gentleman, would certainly be the height of cruelty to the society in general.

Mr. *Rolle* was for the adjournment, as he had always held it a good maxim in criminal law, that, rather spare ten guilty than punish one innocent person.

The question being put on the Amendment, the House divided:

Tellers.

YEAS	Mr. Bamber Gascoyne - Sir Robert Herries - -	62
NOES	Mr. Attorney General - Sir Thomas Davenport -	131

So it was passed in the negative; after which it was resolved, "That the said Christopher Atkinson, esq. be expelled this House."

Mr. *Whitbread* then rose, and said, he felt for the great distress it would occasion in Mr. Atkinson's family, and that they had much reason to lament his ever having any connexion with the then comptrollers of his Majesty's victualling office; and as he was chairman of the committee, before whom the whole transactions were laid and examined into, he thought it his duty to inform the House, as he had done once before, that the present system of the Victualling-office business required a new regulation, and was no ways difficult to be put in execution, whenever it should be properly attended to: that there was a committee now sitting upon that business, which, he believed, would farther shew the necessity of an alteration: that he had been witness to what had passed between the comptrollers then at the board and Mr. Atkinson; and from the general idea that he had of the business of the office, in laying out upwards of three millions per annum during the late war, from the manner of purchasing goods, as well as the payment of them, an immense sum might have been saved by a better regulation, which he hoped would hereafter be adopted; as, in justice to the public, it ought to be.

Debate on Mr. Alderman Newnham's Motion for the Repeal of the Receipt Tax.]

Dec. 4. Mr. Alderman *Newnham* said, it was not without reluctance that he found himself compelled to stand forth, and move the repeal of a tax brought in by the noble Chancellor of the Exchequer. The task, however, was laid upon him by his constituents, and he thought it his duty to discharge their orders to the best of his ability. He would not enter on the specific demerits of the tax: all orders of men had united in opposing it: it was the most oppressive and vexatious to trade and business, in all its various departments, that could be conceived. It tempted men to devise schemes of fraud and evasion; and after all the care that could be taken of it, and all the support it could derive from the ministry, and those who acted with them, it would still, in his opinion, be ultimately as unproductive as it always had been unpopular. On these grounds he was determined to take the sense of the House on the subject. He thought there would be much more wisdom in giving way to the general opinion, and finding some other mode of raising the money, which, even though it might appear to be a greater burthen, and in fact turn out to be so, he was convinced the people would receive as a favour done them: he knew no other way to reconcile this to gentlemen's ideas, or indeed to his own, than by reminding them, that hardly any one who heard him, had not often voluntarily endured such labour, and engaged in such exercises, that if he had been compelled to undertake, he would have thought his situation worse than that of a galley slave. He then moved, "That leave be given to bring in a Bill to repeal so much of an Act of the last session as imposes a Tax upon Receipts."

Sir *Cecil Wray*, in obedience to his constituents, rose to second the motion. It was a doctrine lately broached in the House, that members were altogether independent of those to whom they owed their seats; but these were sentiments to which he would never subscribe: and to put the matter in the strongest possible light, suppose his constituents were to enjoin him to support the East India Bill, although it was, in his opinion, the most violent, arbitrary, and unprincipled Bill he ever saw brought into the House, he would, notwithstanding, obey them, so far as even to vote for what was most incongruous to his own conviction. But the tax which he had now their instructions to oppose, had ever appeared to him most objectionable: and he was happy in having

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this opportunity in giving it his hearty negative. His constituents, however, had instructed him to propose another in its room, which was, that ten shillings be annually laid on all servant maids kept for domestic use. This raised a loud laugh; but the hon. baronet went on, and proposed likewise, that the franking letters should be entirely abolished. These taxes, he said, would be both productive and popular, and well deserved the attention of the Chancellor of the Exchequer.

Mr. *Martin* insisted that those only in business could be satisfied of the extreme confusion and inconvenience occasioned by this obnoxious tax. He hoped the noble lord would give it up, as it could not continue in force with any degree of respect to the wishes of the people. The receipt tax, it had been said, did not affect the poor. This he denied, because in this case, as in all others, when a tax was imposed, the retail trader took care to lay it upon the articles he dealt in, and raise their price to the consumer; so that in fact the poor paid the receipt tax, though not directly. He urged the propriety of laying taxes in such a manner as could neither directly nor indirectly affect the poor. They ought, he contended, always to have comfortable dwellings, good warm clothing, and a sufficient share of meat and drink to put in their mouths to support them in health and vigour. Taxes upon gambling and gluttony, upon titles and honours, he thought most eligible, because they affected no persons, but those who reaped the benefit of them. For instance, why not lay a tax upon baronets? He saw an hon. gentleman on the other side of the House, who, he was sure, would pay such a tax with great cheerfulness.

Mr. *Powys*, from what gentlemen had said on the subject of the implicit obedience due to the instructions of their constituents, felt it incumbent on him to declare, that he entirely differed in opinion from them. He was there to vote according to the best of his judgment for the good of the whole community, and not as the local interests of any description of the represented might urge them to instruct him to vote. He declared, he had likewise received instructions to support the motion for the repeal of the receipt tax, from the towns of Wellinborough and Peterborough. It was his duty to declare, that such instructions had been sent him, but at the same time he hoped no such repeal would take place. He hoped administration would act with firmness, and that the noble lord would persevere in carrying through the Bill he had brought in to amend the tax, and render it more productive: 250,000*l.* was a large sum to raise, and the receipt tax appeared to him to pervade all pecuniary transactions equally, and consequently could not, with any truth, be deemed a partial tax. He had not an idea of a better, and therefore he desired to embark what little credit he might possess in the support of administration, in upholding the receipt tax. At the same time, however, he hoped ministers would act fairly with the public, and not let the public money sleep in private hands.

Sir *P. J. Clerke* had always thought the tax a very fair one, and therefore it should have his hearty support. He did not approve of the tax suggested by the worthy baronet on maid servants, since sufficient burthens were laid on them already.

The Earl of *Surrey* had always been a friend to the tax, as it appeared to him a very proper one. He wished members, who avowed so fairly the authority of their constituents in this matter, would beware of taking the instructions of a few for those of the whole. He had last year attended a meeting of this kind, and against this very tax; but surely the hon. gentleman could not conceive their opinion to be that of the whole, or a majority of the electors of Westminster. He suspected gentlemen might sometimes be imposed on in this manner. Nor was he fond of taxing maid servants, for many reasons; but especially, as he always looked on the women with other views than those of taxation. He would therefore vote against the motion.

Mr. *Thornton* argued against the receipt tax in an ingenious manner. He did not think himself in every case at the disposal of his constituents, or that, to constitute a free parliament, the individuals of which it was composed ought first to become slaves: but he had received the instructions of his constituents to oppose this measure, and when he found the voice of the whole country on their side, he then was disposed to yield his judgment to theirs. This tax appeared, in his opinion, extremely unpopular. That portion of traffic in which the poor were most concerned, felt the oppression of the tax most.

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Lord *Galway* said, he had received instructions to support the motion for a repeal of the tax, which he should readily obey, meaning on every occasion to pay the utmost deference to the opinion of those who did him the honour to appoint him their representative.

Sir *Charles Barrow* said, he did not consider himself as acting, when in that House, merely for the city he represented, but for the kingdom at large, and that he ought to give his vote for the general good, and not as the instructions of his constituents might direct. He professed himself an advocate for the tax. He said, he thought a tax on starlings would be an eligible one. He did not mean on starlings, in the literal sense of the word, but on those who cried out without occasion, and joined in an unmeaning clamour against measures not really objectionable. Sir Charles declared himself against taxing *maid* servants; he begged pardon, he meant *female* servants.

Mr. *D. P. Coke* said, that no man held the instructions of constituents, ordinarily considered, more cheap than he did. When his constituents urged him to support measures calculated for the general welfare of the state, or to oppose such as threatened its danger, there was not a member of that House who would go farther than he would in compliance with their wishes. On the present occasion, he had received instructions to support the motion, instructions with which he cheerfully complied, because he was persuaded the tax was extremely partial, and he defied ministers to make it productive. He should not have spoken that day, had it not been for what he had thrown out a few days since. He had at that time declared, he had some taxes to propose in the room of the receipt tax, which would be equally productive. He thought it incumbent on every gentleman who wished for the repeal of a tax, to come forward with another tax capable of supplying its place. He would propose two or three. The first of them was upon a species of property hitherto untaxed, and by taxing which, none but the rich would be affected. He meant a tax on pews. In every church there were, he observed, a certain number of pews annexed to the houses of families in the neighbourhood; these he thought might very well pay a tax of 20*s.* a year each. There was also in each church in the country a handsome and spacious pew, called the corporation pew, which he would propose to have taxed at 20*l.* a year. As a farther enlargement of ecclesiastical taxes, he would lay 5*l.* a year on each of the stalls of prebends, 10*l.* on each of the stalls of deans, and 20*l.* on each of the stalls of the bishops. Deans and prebends, he declared, were, in his opinion, the most useless order of ecclesiastics in existence; and he should be happy when the day arrived, on which they were to be abolished. Another tax he would propose, was also connected with the church. When persons died, those who regarded them, or inherited a legacy upon their death, generally put up a grave-stone to their memory. He would therefore propose that 20*s.* duty should be paid upon putting up a grave-stone in a church-yard, and 40*s.* for every one put up in a church. He expatiated on the impropriety of burying in churches at all. He said, he had known an instance in the country where a person died of the small-pox, and was buried in the church, when fifty families would stay away from the church on that account for a month together; whereas, if the person had been laid in the church-yard, the whole parish would have walked over his grave without the smallest alarm. After mentioning these objects of taxation, he reasoned upon their propriety. He said, he himself had a pew annexed to his house, and he saw no reason why he ought not to pay the state 20*s.* a year for holding it. Another object of taxation, he said, he mentioned with some diffidence, because that House had once heard of it, and rejected it. That was a tax on dogs. He thought such a tax perfectly justifiable, and he conceived it would be extremely productive. He added up the supposed produce of his several taxes, and declared, that altogether they would produce considerably more than 200,000*l.* a year. Mr. Coke, after dilating on the taxes he had suggested, recurred to the receipt tax, which, he said, ought, in his mind, to be repealed, because it appeared so generally odious and unpopular.

Mr. *Sheridan* said, he was glad to hear it generally admitted, that when gentlemen thought fit to move the repeal of an existing tax, they ought to propose some tax in lieu of it, that, in their opinion at least, was likely to prove equally productive. This was certainly right, because when that House was called upon, as it was by the motion then under considera-

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tion, it was called upon to do as strong an act as the House could possibly perform, viz. to change the security given to the public creditor, and to take away the mortgage he held in payment of the interest of his money. The receipt tax had been approved of by the majority of that House, and declared to be a light, impartial, and wise tax. Such, he was persuaded, it would have proved, had the tax had fair play. No sooner was this tax, so much liked within doors, heard of, but the utmost pains were taken to raise a clamour against it without. Committees and associations were formed for that purpose expressly. All the art and ingenuity of man were employed in finding out means of evading it. Remonstrances against it had been fabricated, and carried from house to house to procure signatures. Those who never had heard of the tax, were called upon to lend their names to the list; nay, one man, who could not write himself, had been invited to make his mark, in order to overthrow a tax, which he was told materially concerned him, as it was a check to the currency of written evidence. As soon as any probable means of evading it were hit on, they were industriously circulated throughout the kingdom; and government having, out of lenity, forborne to prosecute for the penalties incurred by those who flew in the face of the act, a case was made out of the whole against the tax itself, and, when parliament met, it was applied to, in order to repeal the tax. Mr. Sheridan reprobated such conduct, and said, he trusted that the good sense of the House would interpose, and prevent the repeal of a tax so treated. With regard to the taxes suggested by the hon. gentleman, they appeared to him to be full as liable to objection as the receipt tax; indeed, infinitely more so, because there was not any fixed criterion to judge of them by. For instance, suppose a tax were laid on dogs; in that case the keeper of a pack might immediately sell his pack, and buy a hunter with the money, and follow the pack of some other neighbour. In like manner, if a person kept dogs to guard his house, on a tax being laid, he might dispose of his dogs, and resort to some other means of security. So likewise with regard to pews; in order to evade the payment of a tax upon them, persons might no longer chuse to hold them. The tax on grave-stones, indeed, was not easily evaded, and could not be deemed oppressive, as it would only be once paid; but such was the spirit of clamour against any tax on receipts, that he should not wonder if it extended to them, and that it should be asserted, that persons having paid the last debt, the debt of nature, government had resolved they should pay a receipt tax, and have it stamped over their grave. Nay, with so extraordinary a degree of inveteracy were some committees in the city and elsewhere actuated, that if a receipt tax of the nature in question were enacted, he should not be greatly surprised if it were soon after published, that such committees had unanimously resolved that they would never be buried, in order to avoid paying the tax, but had determined to lie above ground, or to have their ashes consigned to family urns, in the manner of the ancients. He took notice of what had fallen from Mr. Martin, who had said, that the retail trader distributed his price of the receipt upon several articles he sold. The strongest argument urged against the tax, he had ever conceived to be, that it fell heavier upon the retail trader than upon the wholesale dealer or merchant. If, however, the hon. gentleman's remark were true, this argument necessarily fell to the ground. In his mind, the great recommendation of the receipt tax was, that being paid directly, and not mediately, the public felt it, and it naturally led them to consider the state of the nation. This was the excellence of the tax, and a right principle of taxation. If he might presume to lay down a principle of taxation as fit to be adopted in an arbitrary country, taxes should be imposed as indirectly as possible, and the giving alarm to men's feelings ought to be most studiously avoided. Exactly the reverse should be the case in a free country; the taxes there ought always to be direct and open. The subject, when he paid any of them, should know that he paid a tax; and his attention should in consequence be provoked to an examination of the state of the country's debts, the weight of which being obliged to be borne by all, they necessarily concerned all in an equal degree.

Lord *Mahon* said, he should vote for the repeal of this odious, troublesome, and oppressive tax. The arguments which he was going to use, were, in his opinion, conclusive against it, and perfectly unanswerable. Either these stamped receipts would be generally used, or they would not. In his opinion, they would not. Per-

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sons might legally continue to pay money before witnesses, notwithstanding the other law which had been brought in by the Chancellor of the Exchequer to enforce this new tax. That new-proposed law did not attempt to oblige persons to to take or give any receipts at all; nor did it prevent the producing parole evidence in any court of law or equity, to prove the payment of money: therefore, there would be the easiest and most evident means of evading this absurd law: he consequently believed that there would not be used by the public that prodigious number of stamped receipts that ministers seemed to imagine; the tax then would be unproductive. But suppose these stamps were generally made use of, what would be the necessary consequence? It would evidently, he said, be this: the stamp on those receipts, being extremely easy to counterfeit, a low mechanic being capable of making 4 or 5,000*l.* a year by such practices; and such practices being liable to be pursued, without the smallest danger to those who shall, for importation, counterfeit those stamps abroad, these stamps will be counterfeited to a prodigious extent. If, for instance, the number of counterfeit receipts that would be used, should be (to speak within compass) twice as great as the number of receipts issued from the Stamp-office in the same given period of time, the consequence would be, that for every 1,000*l.* produced to government by this tax, 2,000*l.* would be gained by those who were concerned in these attempts to defraud the revenue. The Jews of Holland, and the engravers of France, would make more by these stamped receipts than the Exchequer of this country. This consideration alone ought to be fatal to this tax, and to every tax whatever that might be liable to a similar objection. Let it be remembered, that there was nothing so easy as to counterfeit these stamps, and to do it in such a manner as not to be capable of detection. Let gentlemen also consider, that the greatest and most rapid fortunes may be made by this practice; and that a small box, if imported into this country, would contain stamped receipts that would sell for several hundred pounds, and would, if seized, or if thrown overboard into the sea to prevent its being seized, be of no loss to the importer worth his attention, because it would be nothing but a box of paper; therefore this was a trade in which there might be the greatest gain, but no loss. The profit, which would be immense, would be reduced to a perfect certainty. But this was not all. Such a profit to smugglers, as would arise from this practice, would operate as a premium to them in the smuggling of other commodities. It would compensate their other losses; it would make up for their other risks; it would be an addition to their other gains. Scarce a cargo of smuggled brandy, wine, or tea, would be imported, without some of these forged stamps, either to be sold by the smugglers, or to be given away by them to those persons who should be wishing to buy their smuggled goods. If this should thus encourage and increase the practice of smuggling to the extent that there was reason to fear it would, it was likely that this foolish and ill-conceived tax might cause a greater loss to the revenue than the amount of the tax itself. Would the Chancellor of the Exchequer assure the House that this would not be the effect at last? The noble lord would not venture to give such an assurance to the House. It was truly a wise tax, which the minister who had proposed it, could not declare would not, by its consequences, finally decrease the revenue! Lord Mahon added, that he expected no answer, because his objections were unanswerable.

Mr. *Macdonald* said, that he had, from the time the receipt tax was proposed, thought it was more flattering than solid. The question now was, whether it would not be more prudent to abandon the tax entirely, and substitute another in its place, than to amend it in the manner proposed by the noble lord's Bill. He denied that he thought it was incumbent on every one who thought the first way most advisable, to propose a new one, every gentleman not being sufficiently qualified for such propositions, as he felt himself not to be, nor were they placed in high and lucrative situations for that purpose. His great objection was, that it was highly probable it could not be made productive; for, first, it was a ready-money tax; and, secondly, it was optional. As to ready-money taxes, it was certain, from experience, that they always created an aversion in the people's minds, who would complain of a farthing in that shape, when they would pay a shilling wrapped up in something else. This was strikingly seen in the instance of turnpikes, which, though calculated for the ease of the poor, by making the rich

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pay for the roads, which before were made by the labour of the poor alone, yet were opposed so violently as to require dragooning and penal laws of the last severity, together with shutting up every circuitous passage. This must have arisen from the mere circumstance of its being a payment immediately out of pocket. But when, besides this, a tax was optional, there was to him but little hope that the amendment proposed would have any other effect than that of making people more careful to see their account was scratched out. This tax differed from every other stamp duty in this respect; that in all former cases the instrument stamped constituted your title or security. In the present case, any other security against a second demand was open: as the law stood at present, no man was obliged to give a receipt, as had been determined not long ago. Unless, therefore, it was intended to oblige all persons to give and take receipts, and the same act must oblige them to read and write, this ready-money, optional tax, would be either evaded, or not complied with. That a tax of this nature, upon buying and selling, had been tried at Naples, he remembered to have read in a book quoted lately by a right hon. secretary. The people there petitioned to assess themselves, in their several districts, rather than conform to it. He observed, that it had been found highly inconvenient to trade, in delaying payments, and putting the trader out of the way to which he had been accustomed. As to the observation, that abandoning it would alarm the public creditor, to whom it was pledged, he conceived that no man would be alarmed at getting a productive for an unproductive security. He professed very great doubts of what was stated as a recommendation of the tax, that the poor were not affected by it, admitting it to be true as to the mere payment of the two-pence or four-pence; but when it was considered that this tax was imposed at the outset of the circulation of every commodity, and likewise on every change of hand, that no tax was advanced without interest taken, or a profit whipped in, the accumulation would be considerable. He instanced in the case of beer, for example, that every receipt taken on every ingredient, in its passage from the grower to the consumer, must be paid by those who drank it. It was plain, therefore, that the same quantity of the same quality, could not be had for the same price. He stated also, that small shops, with which the poor dealt, contained a vast variety of articles, and many receipts taken from the various larger dealers from whom they filled their shops, as many perhaps in point of number as a much more opulent wholesale trader, must all be repaid to them.

Lord *North* said, he would not detain the House long from the question, as the subject of debate lay in a narrow compass. The receipt tax was now admitted pretty generally not to be oppressive, nor to be unjust; but it was said, it was troublesome, and unproductive. Unproductive it certainly had proved; but the causes which had rendered it unproductive were well known, and the noble lord at the head of the Exchequer had brought in a Bill to remove those causes. Why, then, would gentlemen wish to repeal a tax under such circumstances? With regard to its being troublesome, it had been declared, that it was universally evaded. The trouble, therefore, that it had hitherto occasioned, could not be very great. The tax, gentlemen well knew, was a new tax; the Bill of last year was consequently an experiment. All experiments were uncertain, and it was the nature of a new tax to fail at first. The experience of a few months had discovered to what the failure of the receipt tax had been owing, and means had been resorted to, to prevent its failure in future. But it was said, the receipt tax was an optional, ready-money tax, and therefore incapable of being made productive. What were all the taxes that had been suggested that day? A tax on dogs, on pews, on grave-stones, all optional, all ready-money taxes. The learned gentleman who spoke last, had mentioned the institution of turn-pikes, and the clamour it had first occasioned. It was very true; but the instance was not a happy one for the learned gentleman's argument, because turnpikes, when properly understood, had been universally acquiesced in, and they were at this time deemed as great a benefit to the kingdom as ever was devised. He next answered lord Mahon's remarks, that the stamps would be forged; and reminded the noble lord, that forging stamps, or uttering them knowing them to be forged, was by that Act deemed a capital felony; no man therefore would, in all probability, expose himself to the punishment of death, where the profit, compared to the risk, was so insignificant. He added several other arguments to prove, that the receipt tax promised well. It had, he said, set off

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most prosperously. The commissioners of the Stamp-office found it likely to answer greatly; but when it was publicly stated, that a doubt had arisen as to the meaning of the law itself, its progress was stopped altogether; a circumstance, that, when the Bill then before the House passed, would not continue to be the case.

Lord *Sheffield* said, he had the honour of representing a very populous city, and that the inhabitants never had concurred so unanimously on any occasion as in their directions to him to promote the repeal of the tax in question. That when the tax was first mentioned in parliament, they had communicated their objections to him; that he told them, they did not seem to him well founded, and that he had voted for the tax; that his constituents had now had an opportunity of experience, that they found it vexatious, unequal, and prejudicial to trade, and he very cheerfully gave up his opinion to them: but he by no means subscribed to the doctrine of implicit obedience to instructions; if he did, he must next confess that the city of Coventry might as well send up Peeping Tom with instructions in his pocket, as him. That the tax was vexatious was obvious; and that it would fall heavily on the middling tradesmen. One argument against the Bill seemed to be omitted, and that was, the effect the tax would have in preventing frequent payments, the pernicious consequence of which to trade must be extremely mischievous. If these strong objections did not exist, he should still think it his duty to attend to the general detestation of the tax, especially as the attempt was not to get rid of taxation, but to change a tax; and he could not believe that the stock of taxes which the Chancellor of the Exchequer had in store was so scanty, that he could not spare one in exchange.

Lord *John Cavendish* said, he certainly had received a considerable number of propositions for taxes, but whether they were in a state fit to be proposed to that House, he could not say. The receipt tax, however, he had strong hopes, when the Bill for explaining it had passed, would prove productive. Before the law opinions, that had been published in the summer, appeared, its produce was such as greatly exceeded all expectations; to abandon it therefore now, would be extremely unwise. He wished the House to act with firmness. Though the war was ended, our situation required heavy burthens. It would be better to pay the necessary taxes cheerfully, than to continue to pay such a load of interest for the public debt. By meeting the difficulty of the day, we might alleviate, and shorten the continuance of our difficulties.

Sir *Edward Astley* said, he had not been instructed by his constituents, and therefore he was left to his own judgment. He repeated what he had formerly said about the tax's being rather troublesome than oppressive. With regard to the suggested tax on female servants, he said, Wat Tyler's fate lived in his memory too strongly, to induce him to support a tax that might be attended with equally bad consequences. He thought a tax on dogs might be so modified as to be made productive.

Mr. Alderman *Sawbridge* said, he voted for the tax originally, because he really thought it to be a fair, equal, and easy tax; but his constituents and he had since conferred upon the subject; and though it was not always that they did so, in this instance they had converted him to their opinion. He then went into an argument to prove that it fell heavier on the retail trader than on any other description of persons. He compared the case of a man laying out 500*l.* on an estate, and a dealer trading upon a capital of 500*l.* and challenged any gentleman to prove, that where the former paid the tax once, the latter did not pay it several times. He urged the House not to keep a galling burthen on the shoulders of the public, after they had avowed their dislike to it, and their willingness to bear any other in its stead. Let the tax be ever so much amended, ministers would ultimately find that they must repeal it. He advised them therefore to do it now, when it could be done with a much better grace than at any future period.

Sir *Watkin Lewes* said, he was concerned to observe, that there was a determination to persevere in a tax which was so generally obnoxious, and which would be found, notwithstanding the Bill brought in to amend it, to be unproductive.

Sir *Richard Hill* said, that when the tax was first proposed, he neither voted for it nor against it; for though he never liked it, yet he did not wish to clog the wheels of government when it could be avoided: but as the tax had now been tried, he was satisfied that it was a troublesome and vexatious, though he would not call it an oppressive one; and if we considered how

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much was lost to the revenue by the protraction and delay of business whilst people were waiting for stamped receipts, he doubted whether it would be productive. Upon these grounds he should give his vote against it. With regard to the taxes which had been proposed, he should only observe, that he thought a tax on maid servants should never be wished but by those who thought we had not a sufficient number of prostitutes in the streets; and with regard to the tax proposed on pews, he must just remark, that it would give the public but a very bad idea of the complexion of that House, that they had rejected a tax on play-houses, and had adopted one on churches.

The House divided:

Tellers.

YEAS	Mr. Alderman Newnham Sir Cecil Wray - - -	47
NOES	The Earl of Surrey - - Mr. Eden - - - - -	149

So it passed in the negative.

Debate in the Commons on the Army Estimates.] Dec. 10. The House being in a Committee of Supply,

The *Secretary at War* (colonel Fitzpatrick) rose, and opened the estimates of the army for the service of the ensuing year. He stated that the gross number of men proposed to be voted was 17,483, including 2,030 invalids. He explained their distribution, and the corps of which they consisted; he mentioned that there was an excess in the number and expense, compared with the estimate of the last year, though it was but a small one, and that, for reasons that he assigned, unavoidable. Among other parts of the detail, he said, two battalions of Hanoverians still remained in the country; that government had not yet been able to spare them, but that as soon as it could be done with conveniency, they would be sent home. He doubted not it would give the committee concern to hear, what it gave him pain to say, viz. that with every possible attention to œconomy, it would not be in their power to effect the entire reduction of the army intended, so soon as they had reason to have expected. This, he said, was owing to a variety of causes, but to none more than to that expedient unfortunately adopted in the course of the last war, in the hour of great difficulty, to recruit the regiments on the establishment at that time: he meant the expedient of taking men on condition of serving for three years only. He concluded with moving, "That 17,483 men, including 2,030 invalids, be voted for the service of the year 1784."

Sir *Joseph Mawbey* adverted to the extreme absurdity of sending soldiers to Ireland, and being obliged to retain foreign soldiers in our pay. That, he said, was no great proof of the disposition ministers had professed of reducing the disbursements of the state. The smuggling he allowed to be a pernicious practice, but he could not see that it could furnish a sufficient plea for accumulating the distresses of the country, by paying an unnecessary body of men. He said, the number moved for was out of all bounds: he should therefore oppose it, and move the House for 10,000 soldiers for the ensuing year; that number being sufficient, if they were judiciously disposed of.

The *Commander in Chief* (general Conway) justified the conduct of the crown in sending so many soldiers to Ireland. The government of that country made it necessary; and they who knew the nature of it best, had recommended the measure. He made some observations on the necessity of preventing smuggling. He farther illustrated the present state of the army; said it was requisite, both for the dignity and the safety of the nation, that a tolerable force should be kept up. He said, government would discover little wisdom in diminishing the number of the army for the sake of a few thousand pounds; it might lose millions by such ill-timed parsimony.

Sir *J. Mawbey* again reprobated the folly of retaining foreigners in our pay, when our own troops were in Ireland. He could not conceive why they were sent there; the Irish parliament, he believed, did not want them to be there.

General *Conway* said, that there was a certain number (16,000) which the Irish parliament had voted for. They had therefore a right to have them in Ireland to protect their trade. The Irish, he said, were displeased if there were not 12,000 in that kingdom.

The question was then put, when, sir J. Mawbey still opposing it, a division took place, and there appeared; For the motion, 44; Against it 0. Sir Joseph Mawbey teller: Majority 44. The several Resolutions were then agreed to.

Dec. 11. The Report of the Army Estimates being brought up,

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Mr. *Flood* said, he had attended yesterday in his place, but not seeing above twenty members in the House, he took it for granted that nothing of any moment would have passed in it, and therefore he went away. He was surprised, however, to find, by the newspapers, that something had passed there after his departure, which appeared to him to be of a very important nature indeed. He understood, that in an answer to a question put by an hon. member, relative to some troops that had been sent to Ireland, it had been suggested that there was a delicacy in the subject; which seemed to imply that there was at this moment a necessity for sending them to that kingdom; as if there existed somewhere, a suspicion of the loyalty of the volunteers of Ireland. He understood that it had been insinuated that the situation of Ireland making it necessary that troops should be sent thither, was a reason for voting a larger force in England than was usual for a peace establishment. For his part, having so lately come from Ireland, he could speak with a degree of knowledge of the disposition of the people, which, in his mind, rendered absurd and ridiculous the idea of the necessity of sending troops to Ireland; she wanted them not; and it would be impolitic indeed, and a wanton abuse of the liberality of the British parliament, to burthen the public of this kingdom with a force which the other did not want. He knew the sentiments of the volunteers of Ireland; upon a suspicion of whose loyalty the idea of a necessity of sending over troops could only be founded; and he knew, that to charge them with disloyalty, would be a most flagitious falsehood. He was himself actually the bearer of an Address to his Majesty from that body of men, the most loyal among a loyal people. It breathed as warm a spirit of loyalty, respect, attachment to the sovereign, and to this country, as ever had been conveyed to the throne, even by the most influenced majority of any house of parliament. He hoped, therefore, that he had been mistaken in apprehending that any thing had been stated in a debate that could induce a suspicion of their loyalty; if such a suspicion could have been breathed into the mind of any man in this country, it could have been only by some wretched and interested borough-mongers, who, to preserve their own interests, would not hesitate to blast the fairest fame.

General *Luttrell* expressed his astonishment, that the right hon. gentleman could venture to utter the language he had just heard, when he knew that he (the general) was in the House, who could contradict him. He said Ireland did not want any troops from England; but the reverse was the truth, for the Irish House of Commons had voted, that there should be 12,000 men kept at home for the defence of the country. He himself had made one of the great majority that came to that vote, and therefore he was amazed to hear the right hon. gentleman say, that Ireland did not want the troops that had been sent over: assuming from his abilities and fluency of speech, a superiority over others, he was not ashamed to call the House of Commons of Ireland, a parcel of 'borough-mongers:' it was not a little surprising that the person who used that expression, was not only a member of that House, but had also very lately mongered for a borough himself. Had this scene passed in Ireland, said the general, I would not have taken the least notice of what the right hon. member said; for there he is known, and what falls from him is treated as it deserves. But here he is not known; here he is an independent member, because he has lately been independently elected for Winchester."

Lord *North* said, that the right hon. gentleman who spoke the last but one, had certainly deviated from the question, by thus attaching himself to an expression which he had read in the papers, as falling from a right hon. gentleman in the course of the debate. He pretended not to charge his memory with every word that might be used in yesterday's debate; but he did not recollect that such words as the 'delicate situation' of Ireland had been used. He thought the right hon. gentleman should not so implicitly have credited what he had read, until he had been assured it had been uttered.

The *Secretary at War* said, that the right hon. gentleman was entirely mistaken, in supposing that general Conway had said any thing that could possibly be construed into the most distant reflection on the loyalty of the Irish volunteers. On the contrary, he had expressed himself in terms of the greatest respect and honour towards their character.

Mr. *Flood* said, that the hon. general (Luttrell) had been free in his personal attack on him with respect to what he had said of borough-mongers. It was true

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he did represent a borough; he did not deny it: but he thought the gentleman had totally misunderstood what he had said, or he would not have felt it necessary to have expressed himself in such vehement terms. Mr. Flood explained himself on this particular, and then proceeded to resume his former subject of the words, 'delicate situation.' If this delicate situation had been used as the principle for the number of men granted, he denied the necessity of such a number. He said, the situation of Ireland was not such as required an establishment contrary to the system of economy which had been proposed, and was so necessary to be adopted. He should, therefore, move, instead of 17,000, that 15,000 men would be sufficient for the service of the year 1784. The right hon. gentleman then observed, that nothing could make the people of Ireland harbour the least intentions inimical to their sister kingdom, but her own conduct. If her situation was rendered delicate, it must be by the mistaken policy of this country. There were now none but friends towards this country to be found among the Irish volunteers: but he would not say, how such language might not tend to alter their friendly disposition. This had been formerly the language of a very wise man, who had said the same with respect to America. He wished his sentiments had been timely considered. But the noble lord (North) thought differently, though he would not say wisely. He was proceeding to enter into the destructive policy of the American war, when he was again called to order.

The *Speaker* informed him, that it was the rule of that House, for no member to speak more than once, unless it was in explanation of what had either been misunderstood or misrepresented by a former speaker.

Lord *North* said, he could not think the right hon. gentleman serious, and that he did not mean to persist in his amendment.

General *Luttrell* observed, that the noble lord had said he did not think the right hon. gentleman serious in his intention to adhere to his amendment; he, for his part, who knew him better than the noble lord, did think him serious; and if what had passed, had occurred in the Irish House of Commons, the noble lord would have joined with him in laughing at the right hon. gentleman, whose plain and obvious aim had been to fish out a debate on the volunteers of Ireland at any rate.

The *Commander in Chief* (who had come into the House during the conversation) said, he was extremely sorry to find, that a loose and casual expression of his had given rise to so serious and important a debate. With regard to the word 'delicacy,' if he had used it in his speech the preceding day, he did assure the right hon. gentleman he had done so without any the most distant intention of adverting to the volunteers of Ireland. He had not mentioned them in any other than terms of the greatest respect.

Mr. *Flood* rose again, and said, after the right hon. general had so handsomely explained what he had said— (A cry of Spoke! Spoke!) Mr. Flood declared he rose to withdraw his motion, having, when he made it, stated that he should only think it necessary, if it was avowed, that the delicacy of the situation of Ireland was used as an argument for voting 17,483 men; but if it was not so used, he should not persist in it.

Mr. Baker desired to know of the Chair, who seconded the motion? The Speaker declared that to be an important question, and said, he had really understood that it had been seconded in the usual way, *pro formâ*. Sir J. Mawbey then rose to second it. A scene of disorder arose for a few minutes, and Mr. Flood repeatedly getting up to speak, the House as frequently called out, Spoke! Spoke!

Mr. *Adam* called upon the Chair to enforce regularity, and that order which had given dignity to their proceedings and preserved their privileges for so many centuries unviolated. He said, he hoped the House would pardon his expressing himself with more than ordinary heat, but he could not bear to see a right hon. gentleman, on the second day only that he had set his foot within that House, rise repeatedly, and persist in his endeavours to speak, in defiance of the admonition of the Speaker, who had told him again and again that he was grossly violating the order of the House. This was not to be endured; he called therefore upon the House in general to support the authority of the Chair.

The *Speaker*, as soon as he could get the House to be attentive, stated to Mr. Flood the rules of the House, and said, that no question once moved and seconded, could be withdrawn without leave of the House, and without the consent of the mover and seconder; he desired to know therefore whether the seconder consented

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that it should be withdrawn?—Sir J. Mawbey persisting in its being put, it was negatived.

Debate in the Commons on the Ordnance Estimates.] Dec. 12. The House being in a Committee on the Ordnance Estimates,

Mr. *Minchin* said, that the state of the ordnance debt was such, that it called for the most serious and speedy consideration of parliament. Under the pressure of this debt, the board could never make a good bargain for the public; for as the ordnance debentures were at 30 per cent. discount, a private person could with 70*l.* purchase as much at market, as the board could with a debenture of 100*l.* It was for the House to determine, whether money should be borrowed to pay off the debt, whether the debt itself should be funded, or whether the debentures should bear interest. This much, however, would strike every man, that it were infinitely better for the public to pay 5 per cent. than 30. This debt, at the close of the last year, exceeded 900,000*l.* of which 31,000*l.* had been paid off, so that there still remained considerably above 850,000*l.* It was unnecessary for him to urge the propriety of taking it into serious consideration. As to the estimates then before the committee, the first he mentioned was one for 111,000*l.* which was to pay a debt of that amount incurred last year, and not provided for by parliament. The next was for 430,269*l.* for the ordnance, for the service of the year 1784. In this estimate were included certain expenses attending Gibraltar, Landguard-fort, and other places. It included also a sum which he knew some gentlemen would rather bestow in some other manner; it was for the purchase of sir Gregory Page's house on Blackheath, for the use of the Royal Military Academy now at Woolwich. It had already been said without doors, that the board of ordnance was going to purchase a palace at a time when the state of public credit was so low, and the finances in such disorder. He would say, that to lay out the public money wantonly, would at any time be improper, but infinitely more so at present, and therefore he would condemn the purchase of sir Gregory Page's house at present, if two things did not concur to make him think the purchase warrantable. In the first place, the situation of the Royal Military Academy at Woolwich was such, that it was absolutely necessary either that the building should be enlarged, or the young gentlemen must be removed from it; for lying exposed to a sharp wind, blowing over fenny and marshy grounds, it was in a most unhealthy situation; so much so indeed, that generally one-third of the young gentlemen were on the sick list. Humanity, therefore, called for their removal, and so did policy, for every one knew how beneficial the institution of the academy was to the public. Artillerymen were not to be made in a day; it required a good fund of science, after long study: he once had an opportunity to lament the scarcity of artillerists; for having had the command of an important post at Plymouth, where there were forty pieces of cannon mounted, he had only three decrepit artillery-men for so many guns. The necessity of removing the academy being once established, the next thing to be considered was to what place: two plans had been under consideration, the one to build a new house, the other to purchase sir Gregory Page's. The gentleman who had the disposal of it, offered very fairly; he said he would sell it for the value of the materials, and would even abide by the valuation that the ordnance surveyor should fix upon it: it accordingly was surveyed, and the price fixed upon it was 18,200*l.* including the purchase-money of a considerable piece of ground near the house. In this valuation were not included all the ornaments of the house, such as noble marble chimney-pieces, which were to be given in the bargain, and might be disposed of for the benefit of government. This sum being compared with that which it would cost to build a new house, appeared to be less by several thousands; and therefore he thought the purchase desirable, not only on account of the beauty of the building, but also on account of the saving it would be to the public. Though this bargain would call for 18,200*l.* ready money, still he would inform the committee, that there were sums already voted for other purposes, which having been as yet unapplied, might be applied to this purchase. Parliament had voted 3,000*l.* to build a chapel at Woolwich; but the work had not as yet been begun; and about 7,000*l.* more to erect some works in the Warren: now, if the academy should be removed to Blackheath, there would be no occasion to build any of these works, as the apartments now occupied by the cadets might be made to answer all the purposes of these

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formerly intended buildings. In another point of view also, the public would find their account in the purchase: there were several officers employed in the Warren, to whom an annual allowance was made for lodging, to the amount of about 500*l.* a year, which would be saved, as these gentlemen would be accommodated in sir G. Page's house. The surveyor of the artillery would also be lodged in it. In a word, he thought the purchase so cheap, that he should be very sorry so good a bargain should be lost. He then made some observations on the different places where fortifications were carrying on; at Portsmouth, Plymouth, Lyme, Chatham, Sheerness, Landguard-fort, Tilbury, and the isle of Man. The necessity of the works for the defence of the different dock-yards need not to be proved: gentlemen must already be sensible of it; the utility of Landguard-fort would appear from the general alarm that was occasioned at the breaking out of the Dutch war, when all along the eastern coast there was not, except there, the least asylum or shelter from the enemy. In the isle of Man some batteries and sheds for stores were erecting, for the purpose of checking smuggling, which was openly and as daringly carried on there as in England. He concluded by moving his first resolution for 111,000*l.* for debts incurred for the service of last year, and unprovided for by parliament. This passed without any opposition. He then moved his second resolution for 430,269*l.* for ordnance land service for the year 1784.

Sir *Joseph Mawbey* said, that the country was actually in such a state, that if we should any longer think shillings and pence below our notice, we must be undone: economy alone could save us; every department must be cut down, army, navy, ordnance, or the country could not subsist. The ordnance in particular was a kind of Augean stable that scarcely any thing could cleanse; there was no coming at a knowledge of the manner in which the public money was expended in that department; all was buried under the mystery of necessary forts and fortifications.

Mr. *Hussey* inveighed against the purchase of sir G. Page's house: if it were to be given to the public as a present, he would rather see it pulled down than converted into an academy: this would be only a means for creating new expenses in repairs, additions, alterations, &c. Why could not the academy remain where it was? It had hitherto answered all its purposes in its present situation; why, therefore, remove it? Nay, he was not thoroughly satisfied of the utility of the establishment. Several officers about the Warren at Woolwich had been mentioned, such as the surveyor of artillery; he believed their offices, at least that of the surveyor, to be sinecure places, created of late for ministerial influence; and these places being once established, then, it was said, it was necessary to provide lodgings, &c. for them! This was really an intolerable grievance; and he implored the noble lord at the head of the Exchequer to take compassion on the distresses of the public, and resist this demand from the Ordnance-board for the 18,000*l.*

Mr. *Courtenay* said, the hon. member was mistaken in many particulars; and first, in supposing that the place of surveyor of artillery was a newly-created place; for, in fact, it had been created by John duke of Marlborough, who bestowed it upon a favourite officer, who had greatly distinguished himself in that general's wars. It was, indeed, a sinecure in its origin, and had remained so, till the present master-general, when he was last at the head of it, resolved to make it an efficient place, and procured it from his Majesty for the late general Desaguliers, an officer of high reputation and great service; who, in the office of surveyor of artillery, had been highly serviceable in that department. It was now filled by a most respectable and meritorious officer, major Bloomfield, who had actually made a survey of all the cannon on the coast, and delivered in plans for preserving the guns, &c. which would be found highly serviceable to the public. The office was originally not only a sinecure, but had annexed to it 500*l.* a year; but the present master-general had not only made it a place of active service, but had also cut down the salary to 350*l.* per ann. As to the establishment of the royal military academy, he was really surprised to hear its utility to the public called in doubt. Before the days of the late duke of Cumberland, this country had no artillery force of its own; and all the duty of that branch of the military was performed by foreigners, who were hired for that purpose. That prince, desirous that there should be a British force to manage the artillery proportioned to the number of our army, laid the foundation of the pre-

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sent academy; and so prosperous had been the establishment, that we had now an artillery corps equal in point of abilities, if not superior, to any in Europe. The officers who had signalized themselves in that branch of the service, had been bred in that academy; and, without disparagement, he would say, that the artillery had distinguished itself perhaps the most of any other part of our forces in the course of the last war; and though, on account of the scarcity of grown persons qualified to serve in that corps, commissions had been given to boys of fifteen years of age, yet not one of them had been known to abandon his gun, or turn his back upon the enemy. He could not help singling out one instance among many, of a young officer, who had been bred at Woolwich: his name was O'Hara; and he was grandson to the late lord Tyrawly: in America he found himself in an affair, where every man under his command had been killed in defending their guns; the noble youth scorned to fly; and though quarter was offered to him, he refused it, preferring death to the supposed disgrace of having lost his guns. Such were the youths who had been educated in that seminary: he had, therefore, cause to wonder that the utility of such an institution should be questioned. He would ask the committee, whether they would wish, in order to save a trifling expense, to keep these youths in a situation where, for six months in the year, they were a prey to agues? One-third of them being generally confined to their rooms, their constitutions were broken before they ripened into men; and their studies, which alone could render them useful to their country, were interrupted. At sir Gregory Page's house they would be at their ease; and really it would be a pity, that so great an ornament to the country as that House was, should be pulled down and destroyed, when it might be preserved for a most useful purpose, and at a small expense to the public. The interest of the money would be 900*l.* a year; and out of that there would be a saving of 500*l.* annually allowed to certain officers to provide them lodgings; and the interest of the money already voted for the building of a chapel and other works, and which would be employed in the purpose, would make up more than the remaining 400*l.*; nay, the present master-general had saved almost 900*l.* a year only out of the very sweepings at the Tower. The number of the cadets in the academy had been increased from forty to sixty-five, during the administration of the late master-general. That noble duke, finding that there were sometimes thirty vacancies in the artillery corps, for commissioned officers, and that he had not a sufficient number of cadets growing up to fill up these vacancies, very wisely increased the number; and this increase necessarily made the situation of the sixty-five very inconvenient in the academy. Indeed, the noble duke himself felt it so much, that if he had continued in office, he certainly would have purchased sir G. Page's house for their use; and no one would suspect the noble duke of losing sight of economy in managing the public affairs. An hon. baronet was very liberal of abuse on the Ordnance-office: this was a happy constitution, where a man might speak what he pleased; nay, if he pleased, without knowing what he was saying, or caring whether any one paid the least attention to what he said. Such a man might talk of Augean stables; but happy it was that the hon. baronet's expressions were generally harmless in their effect. Had he the misfortune to have lived in former times, and in other places, it might not have been equally safe for him to avow himself the political critic of the day. He had read in Voltaire's General History of Europe, of a strange custom that prevailed in Italy, in the pontificate of Pope Alexander Sextus. Cæsar Borgia his son, had a practice of hanging up a pig by the hind legs, and beating it till it grew mad, and foamed at the mouth; a small portion of that foam he used to administer in a goblet of wine, to such as idly and absurdly found fault with his measures. Perhaps, had Cæsar Borgia and pope Alexander Sextus lived now, in a scarcity of pork, they might have taken some of our frothy orators, and hanged them up by the legs, making use of their foam (for he believed it was as much charged with venom) as they used to do that of the pigs of old.—From this story, which threw the House into an immoderate fit of laughter, Mr. Courtenay recurred to a more grave style, and argued in defence of the estimates very forcibly.

After some further conversation, the several Resolutions were agreed to.

Debate in the Lords on Mr. Fox's East India Bill.] Dec. 9. The Bill for establishing certain Regulations for the better

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management of the territories, revenues, and commerce of this kingdom in the East Indies, was brought up from the Commons by Mr. Fox, attended by an immense body of members, and being read a first time, the duke of Portland moved, "that it be read a second time on Monday next;" which was agreed to, and also that it be printed.

Earl *Temple* got up, happy, he said, to seize the first opportunity of entering his solemn protest against so infamous a Bill. He conceived himself perfectly parliamentary in giving it every epithet it merited, previous to its passing that House; it was a stretch of power that was truly alarming; it went near to seize upon the most inestimable part of our constitution, our chartered rights; but notwithstanding it had been carried with a high hand in another place, he trusted their lordships would never give it their sanction, without being thoroughly convinced, that the plea which had been used, and which, indeed, was the only plea that could possibly justify such a measure, actual necessity, was a just one; and that they might be convinced it was not fallacious, they ought to be put in possession of and examine with attention, every kind of evidence that was to be procured, and not be satisfied with that partial selection of papers which were upon their table. He wished to know whether ministers, should a motion be made for other papers, would object, and take the sense of the House upon it: he was perfectly aware this was not critically in order; yet as the noble duke had long been extolled for candour in his proceedings, and as he wished the investigation of the Bill might be entered upon as candidly as possible, he hoped he would give him a reply to his question.

The Duke of *Portland* informed their lordships, that he thought the papers then upon their table were sufficient for them to determine on the Bill; but should any others occur to him as necessary, he would certainly introduce them for their inspection.

Lord *Thurlow* observed, that there was a very great degree of indecency in the mode of proceeding; that the subject was, perhaps, the most important that had ever been agitated in parliament, in whatever light it was taken. In the first instance, it was a most atrocious violation of private property; an inquiry which cut every Englishman to the bone, and which could only be justified by the strongest necessity. The necessity must be fully and fairly proved by evidence brought to the bar of the House, and not by reports from a committee, to which he would pay as much attention as he would to the adventures of Robinson Crusoe. In the next place, supposing the necessity of an interference to be proved beyond the power of cavil, still he contended, that the present Bill neither went to the correction of any existing evil, to the prevention of evil in future, nor to the relief of the Company's wants. It was, in fact, a most direct and daring attack upon the constitution of this country, and a subversion of the first principles of the British government. When, therefore, such a bill was brought forward, it behoved their lordships to be very accurately informed of the real state of the Company's affairs.

Lord *Loughborough* said, that the charter of the Company had been violated upon former occasions. He particularly instanced the Regulating Act of 1773, which he disapproved, because it did not go far enough. In fact, it was impossible to regulate the Company's affairs without an infringement of their charter. Surely their lordships must all agree in the propriety of something being done. Look to the state of the Company in England: it owed above a million sterling to government; Bills had been drawn from India to a great amount. Let us cast our eyes to the Company's settlements abroad. What scenes of desolation and distress did we behold! A prince had been driven from his palace, his treasures had been seized, and he was now a fugitive through the plains of Indostan. Fertile provinces had been laid waste; wars had been unnecessarily waged; and though we had concluded a peace with the Mahrattas, yet this, in fact, led us to a new war. The treaty between the English and Mahrattas, having for its objects the conquest and partition of Tippoo Saib's dominions, might involve us in endless disputes. In short, wherever he turned his attention, he found very sufficient reasons for giving his support to the present Bill.

Lord *Thurlow* observed, that the learned lord had not yet given any solution to his difficulties. I ask the learned lord, if he can reconcile the principle of the present Bill to the principles of the British constitution, admitting even what we have as yet not the smallest cause to admit, that the necessity of an immediate interference by parliament is apparent. The learned

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lord fills so high an office in two of his Majesty's courts, that I should naturally expect to see him the champion of our glorious constitution. It is not fitting that so great a character should muddle in the dirty pool of politics. The present Bill means evidently to create a power which is unknown to the constitution, an 'imperium in imperio;' but as I abhor tyranny in all its shapes, I shall oppose most strenuously this strange attempt to destroy the true balance of our constitution. The present Bill does not tend to increase the influence of the crown, but it tends to set up a power in the kingdom, which may be used in opposition to the crown, and to the destruction of the liberties of the people. I wish to see the crown great and respectable; but if the present Bill should pass, it will be no longer worthy of a man of honour to wear. The King will, in fact, take the diadem from his own head, and place it on the head of Mr. Fox. Your lordships have heard much of the ninth report of the select committee. That extraordinary performance has been in every body's hands. The ingenious author states, that "the East India Company is in possession of a vast empire, with such a boundless patronage, civil, military, marine, commercial, and financial, in every department of which such fortunes have been made as could be made no where else." This, my lords, is the true description of that vast and boundless patronage, which this Bill means to throw into the hands of the minister of the present day. I speak the language of the late marquis of Rockingham, for whom I had the highest respect and regard, and to whom I have been much obliged, when I say, that every minister of this country will naturally strengthen his party by increasing his friends, and disposing of every office of honour or of emolument amongst those who will support his measures: with this explanation of the system on which the present ministers act, and, indeed, in which all ministers must act, let me conjure your lordships to weigh well the consequences which will result to the constitution of this country, should the present Bill pass into a law. By the fundamental principles of this constitution, the executive power of the state is placed in the hands of the crown. We have heard much, my lords, of late years, of the alarming increase of the influence of the crown. I will candidly confess to your lordships, that I have never seen the influence of the crown too great: I wish to see the crown great and respectable; and if the boundless patronage of the East must be taken from the Company, if regulations wisely adopted, and steadily enforced, will not be sufficient to remedy existing evils, let the boundless patronage of the East be placed, where only with safety to the constitution of this country it can be placed, in the hands of the executive government. In the last year, we passed an act to prevent contractors from sitting in parliament; but by the present Bill, Mr. Fox's contractors do not even vacate their seats. Such is the distinction between the crown and a subject.

In the last year we passed an act to prevent custom-house officers from voting for members of parliament, so cautious were we to preserve the purity of the House of Commons, and to diminish the influence of the crown; but in defiance of every principle which was then professed, no jealousy is expressed of the man who is to have in his possession the boundless patronage of the East. The doctrine advanced by the learned lord is, indeed, extraordinary. He tells you, that the Act of 1773 was an infringement of the charter of the Company, but that his objection was, that it did not go far enough, and therefore he would totally destroy the charter. The learned lord will recollect the doctrine of the King's attorney-general, sir Robert Sawyer, in the unconstitutional and infamous reign of Charles the second. Yet, my lords, how was the doctrine of sir Robert Sawyer reprobated by the chief justice of that day? The charter of the city of London was taken away, not because, according to sir Robert Sawyer's opinion, it was for their good, but because the court was induced to declare it had been forfeited. At the Revolution, however, it was restored, and the strongest marks of abhorrence were expressed at so atrocious a deed, perpetrated under the semblance of justice. But before the House can consider this very important Bill on that ground, to which every Englishman must naturally object to it, that it is directly subversive of our venerable constitution, and on that ground I challenge the noble and learned lord to meet my argument fully and fairly, it will be necessary to consider the real state of the East India Company. Let us not be misled by reports from committees of another House, to which, I again repeat, I pay as much attention as I would

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do to the history of Robinson Crusoe. Let the conduct of the Company be fairly and fully inquired into; let it be acquitted or condemned by evidence brought to the bar of the House.

Without entering very deep into the subject, let me reply, in a few words, to an observation which fell from the learned lord, that the Company's finances are distressed, and that they owe, at this moment, a million sterling to the nation. When such a charge is brought, will parliament, in its justice, forget that the Company is restricted from employing that credit, which its great and flourishing situation gives to it? Will parliament, in its justice, forget that all the bill-holders of the Company are willing to extend the period of payment? Will parliament, in its justice, forget, that so high is the credit of this Company, that if the restrictions were taken off to-morrow morning, every demand due to the state would be discharged? Will parliament, in its justice, forget, that not all the wisdom of his Majesty's councils, nor the united wisdom of this country, has prevented us from being involved in a long, a dangerous, and an expensive war? Will parliament, in its justice, forget, that though we have met with loss, misfortune, and disgrace in every other quarter of the globe, this delinquent East India Company has surmounted the most astonishing difficulties in India? Will the justice of parliament forget, that when peace was at last restored to this unfortunate country, the conquests of this delinquent Company were given up, to prevent farther sacrifices in the West? Will parliament, in its justice, forget, that this delinquent Company, by the additional expense of freight, or captures at sea, has sustained a loss of 2,700,000*l.*, in consequence of our national war? Will parliament, in its justice, forget, that when this country has increased its debt above 100 millions sterling, this delinquent Company wants but a little time to pay all it owes to the Exchequer, or privilege to use its flowing credit? Will parliament, in its justice, forget, that at a former period, when its commerce was circumscribed, when it had not an empire to support, this delinquent Company was allowed to issue bonds to the amount of three millions sterling, though now limited, at the close of an extensive and calamitous war, to the sum of fifteen hundred thousand pounds? These are circumstances which must be recollected, when we mean to violate private property—an injury which must cut every Englishman to the bone, and which nothing but the strongest necessity, fully and fairly proved, can ever justify.

The noble and learned lord has mentioned the depopulation of fertile provinces in India, the expulsion of a king from his palace, and the cruelties exercised upon an old woman. These, my lords, are sounding words; but I call upon the learned lord to prove the facts. It is something singular, that when the character of Mr. Hastings is thus held up to public detestation, his name should be cautiously suppressed. Whence, my lords, this remarkable degree of delicacy towards Mr. Hastings? If he be a desolator of provinces; if he be a plunderer, and an enemy to the human race, let him be punished for his crimes, but let the facts be proved. The little, low, dirty attempts of malice and faction, which have long been employed to destroy the character of that great man (as I think him) can have no weight with your lordships. How industriously, my lords, has every transaction of Mr. Hastings's long government, that could tend to criminate him, been circulated? The reports of a committee have been sold as pamphlets. The ingenuity of some men, the industry and the warm imagination of others, have been long employed to sully the well-earned reputation of Mr. Hastings. To my mind, my lords, Mr. Hastings is one of the most extraordinary characters that this country has ever produced. He has served the East India Company thirty-three years in the most important situations, twelve years as governor, or governor-general of Bengal. He is a man, my lords, whose integrity, whose honour, whose firmness of mind, and whose perseverance, are not only very generally acknowledged in this kingdom, and in Asia, but throughout the continent of Europe. He is a man, my lords, who possesses a most extensive knowledge of the languages, the politics, the customs, and the revenues of Indostan. He is a man, my lords, who infused the spirit which animated his own mind, and rose superior to the astonishing difficulties he had to encounter, into the breasts of our brave and intrepid countrymen, who have so nobly distinguished themselves in Asia. Mr. Hastings is a man, my lords, who has re-established peace in India, who furnished resources for the war while it lasted, by an increase of revenue in Ben-

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gal, and has preserved the provinces under his more immediate control in peace and tranquillity. Mr. Hastings is a man, my lords, who has held a bold and consistent language throughout. When the government of this country sent three men to thwart and to oppose all his measures, he desired either to be recalled or confirmed. Would to God those men had never arrived there. When I consider the scene of confusion that ensued, the factious, personal, and party spirit, by which they were actuated from the very hour of their landing, I am astonished that Mr. Hastings has been able to surmount so arduous a trial. What have been the means, my lords, to which Mr. Hastings has had recourse to preserve his power? Has he employed the low and dirty arts of intrigue, which have heretofore been practised? No, my lords; he has been supported by the voice of the public; by great and meritorious actions. This being my opinion of Mr. Hastings, I shall support him until evidence of his delinquency shall be produced. Whence, my lords, this extreme desire to avoid a full and pure discussion of this question? I again repeat it; if Mr. Hastings be guilty, recall him, punish him; but do not let us be deluded by tales fabricated for the purpose of the hour, and circulated with a degree of industry which disgraces the honour and dignity of the British nation. I cannot help adding, my lords, that to my mind the late dispatches from India contain such convincing proofs of the vigour of our government in Bengal, of the regulations formed for the collection of the revenues, and the administration of justice throughout the provinces, added to the œconomical arrangements formed in the civil and military departments, that I do believe it will not be in the power of any clerk in office, that Mr. Fox's directors may send out, to throw Bengal into confusion again in less than two or three years.

Viscount *Townshend* thought the noble duke had given a sufficient answer to the question of earl Temple, when he stated that the papers then on their table were fully adequate for them to determine on the merits of the Bill, and that he had no objection to others being produced. He was convinced that parliamentary interference was highly necessary to rescue the India Company from pending ruin: it required a bold and rapid measure; such had been adopted; he liked a bold and active minister, and wished we had been in possession of one during the late war, as things might have then terminated more to our advantage. With respect to the violation of the Company's charter, that charter was to allow them a monopoly of the trade, which was not to be taken from them, nor any other part of their charter, farther than to prevent them from committing such horrid ravages and massacres. If he thought this Bill had been produced more for the advantage of administration than the benefit of the Company, he would oppose it to the utmost; but as he was convinced to the contrary, it should certainly meet with his support. He had watched the debates upon it in the other House, and had observed the utmost readiness in the minister to temper the measure as much as he possibly could do without weakening its vigour. When the Bill came out of the committee, it was much modified and altered, so that every clause thought too harsh was softened, and such alterations made in the whole Bill, as implied a desire to render it as little objectionable as possible. He adverted to the melancholy situation of our affairs in India, and hoped no attempts at trick or management, no means of procrastination would be resorted to (for such he had in the course of his life seen practised), in order to prevent their lordships from coming to some speedy conclusion on the subject.

Earl *Temple* agreed with the noble lord, that the present was a bold and rapid measure, and upon being convinced that it was, he had been induced to make his requisition to the noble duke, that if it was the intention of the supporters of the Bill to carry it through with violence, he might be prepared to meet it on that ground; or if it was to be done rapidly, he might not in that case be unprepared to meet it. Should his grace refuse to give him that information he required, he must content himself with deferring it to a future day, as he was not now acquainted with the titles of those papers it would be necessary to move for; but he would nevertheless, by way of being satisfied whether he or the noble viscount had fallen into the mistake, again repeat his question to the noble duke, and entreat an answer, Whether administration would oppose a motion for all the evidence to be laid before this House, on which the Commons had thought sufficient to pass the Bill?

Lord *Loughborough* thought the putting this question very improper, as it would

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be impossible for any individual member, or even for the House itself, to give a positive answer, unless those papers or evidence were pointed out, which it was the intention of the noble lord to move for: it appeared, indeed, to him, that the moving for all the evidence that had been before the Commons, could only be done with a view to protract the passing of the Bill; it had taken that House three years to enter into a thorough investigation. Did any noble lord desire to prolong an interference of parliament for three years longer? He wished them only to convey their thoughts to India, where war and rapine were laying desolate almost the whole country; where this Company's servants had seized on a prince, because he had treasure. This prince had effected his escape, and stimulated other princes to take his part, and enter into a war against our settlements. A treaty, indeed, had been concluded; but on what conditions? not to restore peace, which was so much sighed after, but to extirpate another powerful prince, and to share his country between them. This was a species of barbarity which surely no man could hesitate to condemn. Objections were held out against this Bill, for daring to infringe on chartered rights; and yet this was not without precedent, even with the India Company: in 1773, an alteration was made in their charter; proprietors of 500*l.* stock, previous to that period, were entitled to a vote, but it was found necessary to alter it to those possessed of 1,000*l.* only, and allowing a double vote where a much larger property was vested: an alteration was likewise made at that time respecting their appointment abroad, and yet no terrible consequence was then apprehended. He, indeed, had stated objections, not for making those infringements, as they were termed, but because it did not go farther, and regulate the Company at home as well as abroad. Their situation now made it highly necessary for something to be done; their debt was enormous, and they had no way to retrieve themselves; the interference of government was the only hope there could possibly be for saving them from destruction. Every body admitted something ought to be done: this something was now proposed; the minister had stepped forward, and, by appointing a responsibility, had taken the most effectual method of redressing those grievances which had been so loudly complained of. He might, indeed, have found out a method to have made friends with the Company, held them between him and the public, and been toasted for his condescension, and applauded into popularity in every part of the town; but he rather chose to take the whole upon himself, than by any underhand means have had the board of directors at his will. He was convinced the measure was approved of by the generality of the people, especially since the names of the commissioners were known: he happened to be at Guildhall the morning after the Bill came out of the committee of the House of Commons, and as soon as the names were made public, India stock rose upwards of 3 per cent. He was surprised any noble lord should plead want of information on the subject, since he believed no circumstance had ever been so much the common topic as the affairs of the East India Company, for these ten years past: pamphlets had been published containing every particular; and he did not believe, that, were their lordships table piled with papers up to the very cieling, a single one would be read, since he could so much more to his ease read the whole in his own dwelling. The opposers of the Bill had not contented themselves with condemning it for infringing on the chartered rights, but had likewise charged it with invading private property—a charge that was not by any means applicable to it; it was merely taking the direction out of the hands of 24 members in Leadenhall-street, who had been found incapable of conducting it with advantage, and placing it in the hands of sixteen gentlemen, whose character and independence gave every reason to hope it would be productive of benefit to the proprietors: nay, more, it was merely a creditor, who, seeing the proceedings of his debtor was likely to involve them both in ruin, had taken the management of his property with a view of retrieving both their circumstances. No one would say a creditor had not a right to seize, and that it would not be false lenity to suffer a debtor to go headlong to ruin, and involve his friends, when it was in his power to prevent it.

Lord *Thurlow* was astonished to hear the learned lord, of whose abilities no man had a greater opinion, assert, that the seizure of books, houses, goods, merchandize, shipping, warehouses, &c. at home, and territory and revenues abroad, was not an invasion of private property;

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sir Robert Sawyer, when attorney-general, had made some such position, but he little expected it could have been asserted by any chief justice of his Majesty's courts. In excuse, however, it was said, that the Company were involved in debt, but no one had told us how that debt was incurred; we were left to understand, it had been by the mismanagement of the Company's directors and their servants; not a word was said of the enormous expenses that the public had brought upon them by the late war; the sums that were expended in defending themselves against the French; the delay in the return of their ships; the hazard they ran when they did return; their freightage, and a variety of other circumstances, made it the most illiberal to draw a conclusion on their finances at this time, as by the return of peace it was not in the least to be doubted but they would very soon be enabled to retrieve themselves. Could there be a greater proof of this, than the readiness of every bill-holder to give them whatever time they thought necessary for the payment of those bills? In the late war we had been losers in every part of the globe but in India, where we now most complained of: there we had supported our honour, by the spirited arrangement and amazing talents of Mr. Hastings; we had not only acted on the defensive, but been able to make acquisitions that would repay the expenses of the war in that part of the globe.

The Earl of *Carlisle*, in defence of the Bill, said, that the Company's debt was so large that it required the most speedy interference; it was to such an amount that he was alarmed to mention the sum; the situation of the Treasury was likewise well known; there were bills of the Company coming due, to the amount of 900,000*l*. Would their lordships say the Treasury must pay these bills? But independent of the bankrupt state of the Company, the cruelties that had been practised were sufficient, in his idea, to induce their lordships to pass the Bill in question: they were a disgrace to the name of Britain; they were a shock to humanity. He conceived the noble duke had given as full an answer to the question as could be required; and as there was no question before their lordships, he should move to adjourn.

Earl *Temple* begged the noble lord would postpone his motion for a few moments, as he had a petition to present from a committee of the East India Company to be heard by counsel against the Bill.

The Duke of *Portland* rose, not to oppose the petition, but to explain why he thought there could not be any necessity for any more papers to be laid before that House. A great deal of time had been taken up by the committees of the other House in examining all papers that related to the Company; of course they had to peruse many which were by no ways pertinent to the point in view; they had selected what were most material, and such were those now before their lordships, which, in his opinion, were more to the purpose, than if he had presented them with the voluminous bulk that was before the other House.

The Duke of *Richmond* reprobated the Bill, and wondered how the noble duke could, with any degree of propriety, support it; and more so, that he could refuse the papers after the two protests they had both signed in 1773, upon the very same subject. In his opinion, it was entirely owing to the interference of government that the Company had been ruined: they had supported themselves with credit, had enlarged their settlements, grown rich, and had raised their stock to 300 per cent. At this period government had interfered, and had continued to interfere, until they had brought them to the brink of ruin. And he would say by the Company, as he had often said with respect to the Americans, that if ministers meant to do any thing, they must begin by undoing. Leave them to themselves, and there was little doubt, but they would soon recover to that state of credit they were arrived at before.

The Petition from the East India Company was read as follows:—

> "To the Right Hon. the Lords spiritual and temporal in parliament assembled, the humble Petition of the United Company of Merchants of England trading to the East Indies,
>
> "Sheweth; that a Bill is now depending before your lordships, intituled, 'An Act for establishing certain regulations for the better management of the territories, revenues, and commerce of this kingdom in the East Indies.'—That the said Bill destroys the constitution, and wholly subverts the rights and privileges granted to your petitioners by charter, made for valuable considerations, and

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confirmed by divers acts of parliament; and empowers certain persons therein named, as directors appointed by the said Bill, to seize and take possession of all the lands, tenements, houses, warehouses and other buildings, books, records, charters, letters, and other papers, ships, vessels, goods, wares, merchandizes, money, securities for money, and all other effects belonging to your petitioners; and this without charging your petitioners with any specific delinquency, or stating any just grounds upon which their rights, capacities, and franchises ought to be forfeited, or their property to be seized; a proceeding contrary to the most sacred privilege of British subjects, that of being tried and convicted upon a specific charge, before judgment is passed against them in any case whatsoever.—Moreover, the said Bill empowers and authorizes the said directors to carry on a trade with the property of your petitioners, and at their risk, without their consent or control, for the consequences whereof your petitioners are exceedingly alarmed, and therefore they most humbly crave leave solemnly to protest against the same.—If your lordships should think that any reason or necessities of state may warrant so harsh a measure as that of divesting your petitioners of their franchises and property, your petitioners entertain the most perfect confidence in your lordships wisdom as well as justice, that the actual existence of such state necessities, or other reasons, will be first established by the clearest and fullest evidence. And your petitioners humbly presume to refer your lordships to the example of all former times, in which every encroachment upon the sacred rights of private property, or private franchise, has been anxiously compensated by the wisdom and justice of the legislature.—Your petitioners, therefore, most humbly pray that they may be heard by themselves, or their counsel, against the said Bill; and that your lordships in your justice will protect their rights, privileges, and property against this most unprecedented measure, subversive of your petitioners constitution, divesting them of their rights and privileges, seizing their property, and continuing a trade at their risk, but without their consent or control. And your petitioners," &c.

Dec. 15. The Earl of *Abingdon* rose, and said:

My Lords; the moment being now arrived when we are called upon to exercise that function which the constitution hath placed in us; I mean, my lords, that of holding between the king and people the balance of the state in the scale of its government; or, as Charles 1. used to express it, "of being that excellent screen between the prince and the people, to assist each against the encroachments of the other." I rise, before any other proceedings are had upon the Bill that is now before us, for vesting the affairs of the East-India Company in the hands of certain directors, to trouble your lordships with a very few words, as introductory to a motion which I mean to have the honour of submitting to your consideration. My lords, the Bill before us is, in a threefold manner, now under the contemplation of this House; and it is so, 1. in address and appeal to us in our legislative capacities, in common with the two other branches of the legislature: 2. in address and appeal to us as the supreme court of judicature, or dernier resort of justice, distinct from the two other branches of the legislature, and appertaining to ourselves: and, 3. in that peculiar and distinguished capacity to which I have just alluded, the capacity of being the mediator between the king and people, and of rendering justice to both, by opposing as well the encroachments of the crown upon the liberties of the subject, as the encroachments of the subject upon the just prerogative of the crown. Of the two former, my lords, our legislative and judiciary capacities, and our duties therein upon this occasion, I shall not now take up any of your time; but it is to the third, our mediation between the crown and its subjects, grounded upon the present necessity of our interference, that at this moment leads me to call for your lordships attention.

Of the Bill, my lords, your lordships having read it, it is unnecessary for me to enter into the detail of its particulars; but it is to its principle that I am now to look; and, in so doing, enough and enough remains to occupy the deepest and most solemn reflections of this House; for, in this view of the Bill, what is it that your lordships have to see, but a Bill that has for its subject-matter propositions as fatal to the just prerogative of the crown, by their adoption, as by their effects they will be found ruinous to, and subversive of, the rights, liberties, and properties of the subject: propositions as unique in them-

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selves, as they are unmatched in the annals of our history: propositions, big with ambition, with ambition no less violent than that which filled the mind of Cromwell, and brought the head of Charles 1. to the block. No less violent, did I say, my lords? Ten times more violent, more daring, more enterprizing! For, in the case of that Cromwell, he had some ground to stand upon; he had arguments to offer, he had reasons to assign, he had, at least, that plea of tyrants, the plea of necessity, for what he did; for, in the words of lord Bolingbroke, he had this to say, either that 'Charles 1. must lose his head, or England lose its liberties.' But in the case of the Cromwell of this Bill, what has he to urge for that which he has done, what ground has he to stand upon, what arguments to offer, what reasons to assign, what plea of necessity to state? A plea of necessity, it is true, he had: he stated to the House of Commons, that the East-India Company were bankrupt; it was a false statement, it was false in proof. But I admit the truth of both; and yet, whence arose the necessity of subverting the constitution of this country by placing the executive power of government in the hands of a mountebank secretary of state? A secretary who does not shrink back from declaring, that he is not the king's minister, but the minister of the people; who glories in the distinction, who fortifies himself under it in the House in which he acts. And yet, my lords, no more the minister of the people, than I the friend of his politics. The minister, it is true, of a corrupt majority of the House of Commons, where the people now are, as he says; but not the minister of the people, as when mounted on his stages at Covent-garden and Westminster-hall.

But I say, my lords, whence arose the necessity of this subversion of the constitution? Whence arose the necessity of erecting a new power in the state? A middle power between the king and people; on the one hand holding the king in chains, and on the other ruling the people, through the medium of a corrupt majority in parliament, with a rod of iron? And yet, my lords, this is the proposition *totidem verbis*; a proposition to wrest the reins of government out of the hands of the executive power, and to place it in the hands of a self-created demagogue, supported by a factious and desperate cabal; a proposition, therefore, no less injurious to the people, than at the same time furnishing the most direct attack upon majesty that the annals of our history afford; a proposition, more daring even than that which brought the head of Charles 1. to the block, because less founded; a proposition of ambition no less glaring, but, I trust, my lords, less hopeful, for it is ours to prevent it.

But, my lords, it has been said of this Bill on the one side, that it will increase the influence of the crown; and it has been cunningly and craftily not denied on the other. But this is not the truth, my lords; I deny the fact: the reverse is the truth. This Bill is not to increase the influence of the crown, it is to destroy it. It is, I admit, to obtain an influence; but an influence as poisonous to the just influence and legal prerogative of the crown, as it is deadly to the rights and liberties of the people. And when I say this, my lords, let it not be thought that I speak rashly upon the subject, that I talk without book, that I reason without my host, that I am unsupported in what I say; I speak, my lords, to the sense and knowledge of the House; for, my lords, to pull down the influence of the crown has been the unremitting endeavours of the Minister of the People and his Whig connexions. The House wants no information; the facts speak for themselves. We have seen bills of reform upon bills of reform to this end passing into acts of the legislature; bills taking away from the splendor of the crown, no less necessary to majesty than the birth-right of the prince; bills meanly and ignominiously descending into the very kitchen and cellar of the King, there to retrench and deprive his Majesty of the very comforts and provisions of his table. Can it then, my lords, even in supposition, be thought, that those who have done this, can now have any view or intention to throw the wealth of the East into the lap of the throne? No, my lords, the very supposition is absurdity itself. Besides, the Bill states the contrary; for four years certain the crown has nothing to do with it; and give me a lease for four years of such means of corruption as these are, and I must be, what the minister of the people is not, a very silly fellow indeed, if I do not purchase a fee simple in the premises for ever after.

But this is not all, my lords; for let us look for demonstration upon this subject, to the tenets and principles of this party of men; and in doing this, let us look to their creed, in a well-known publication

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of theirs, called, "Thoughts on the present Discontents;" and then look to their practice upon that creed. Look to their creed, and there you will find, that whilst it pulls the influence of the crown down to the ground, it sets up another influence ten times more dangerous, ten times more destructive to the constitution. The influence of an Aristocracy, or, to express it in their own words, the influence of connexion; and of which this creed speaking, says, 'in one of the most fortunate periods of our history, this country was governed by a connexion; I mean the great connexion of Whigs in the reign of queen Anne.' Such is this influence, my lords, the influence of an Oligarchical Junto in the two Houses of Parliament, holding the king captive on the one hand, and with the other ruling the people, not by the fundamental laws of the land, but after the manner of this Bill, by laws 'of mere political discretion only,' and subversive of their rights, liberties, and properties.

But, my lords, let us now look to their practice upon this creed. And here I am aware, I am anticipated by the House, and that the day which stains, and will continue everlastingly to stain, the Journals of Parliament, I mean the 17th day of February last, is uppermost in the thoughts, and present to the minds of every one of your lordships. A day of connexion, my lords; a day, when by an infamous and wicked connection of principles, not the connexion of *idem sentire de republica*, which alone is, or can be the basis of all well-intentioned political union, but of the most jarring factions, a connexion which one might have thought no chemistry either on earth or in heaven could ever have brought together; I say, my lords, a day when his Majesty was besieged in his cabinet; when he was told the appointment of his own domestic servants did not lie in him; when his Majesty resisted; but when, after a six weeks resistance, with a fortitude of mind that will add lustre to his reign, he fell a victim to this connexion. And thus, my lords, has the theory of these politics been now reduced to practice; for such have been the effects of this connexion, which is now sought by this Bill. Not the influence of the King's minister for the King, but of the King's minister against the King. Of the King's minister, who, if this Bill passes, may say to the King, 'I am the minister of this country, and let my conduct be what it will, let my insults to you be what they may, it is not in your power, it is what you dare not do, it is not for you to remove me.'

But, my lords, that I may trespass no longer on the time and patience of the House, the motion which I shall have the honour to submit to your lordships is this: "That the Judges may be summoned to attend this House, in order to give their advice in point of law, upon the Bill now depending in parliament, for vesting the affairs of the East India Company in the hands of certain directors," &c. And here, my lords, whilst, as the ground of this motion, I take the liberty of stating to your lordships the queries, which (as necessary to my information at least) I shall propound to the Judges for their counsel and advice; so, by this motion, will an opportunity be afforded to the House, of having any other difficulties resolved in point of law which may occur to any other individuals of your lordships.

My lords, the first query is this; "Whether by the commission, as set up in the Bill for vesting the affairs of the East India Company in the hands of certain directors, an executive power be not instituted, new in the government, and unknown to the constitution of the country; and whether that executive power be not as well derogatory to the crown, and hurtful to the just, legal, and royal prerogative of the king, as dangerous to the rights, liberties, and properties of the subject?" Now, my lords, in putting this query to the Judges, I find myself no less upheld therein by the spirit of the constitution, than confirmed by the letter of the law: by the spirit of the constitution, as handed down to us by the very ingenious and learned author of the Spirit of Laws; who, speaking of the English constitution, says, "that the executive power ought to be in the hands of a monarch; because this branch of government, which has always need of expedition, is better administered by one than by many; whereas, whatever depends on the legislative power is oftentimes better regulated by many than by a single person." Again, "but if there was no monarch, and the executive power was committed to a certain number of persons selected from the legislative body, there would be an end of liberty, by reason the two powers would be united, as the same persons would actually sometimes have, and would moreover be always able to have, a share in

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both." And as confirmed by the letter of the law, in as much as by the statute of the 16th Ch. 1, c. 1, a power being lodged in the chancellor (in case of the king's default) to call parliaments; and if he failed, then in the peers, or any twelve of them; and if they failed, then in the sheriffs; it was said by the judges of those days, that this was a direct breach of the original constitution; for it introduced into the monarchy a kind of republic, by setting up a supreme power, besides the regal power, and inconsistent with it. Of the statute, too, of the 15th Ch. 1, c. 5, whereby it was enacted, that that parliament then sitting, should not be dissolved, prorogued, or adjourned, but by act of parliament, it was said, that this was another breach of that constitution, which had originally established the king's prerogative in that particular; and therefore these two Acts were, early in the next reign, repealed.

The second query is: "Whether the immediate creative act of any charter of incorporation, is not vested in the king by virtue of his royal prerogative? And if yes, Whether, by the forfeiture or dissolution of such charter, its franchises are not revertable to the crown, in order to be regranted to the king, if necessary? And if so, Whether the commission of directors appointed by this Bill, be not an encroachment upon the royal prerogative of the crown?" Sir W. Blackstone, speaking of the erecting of corporations by the king, as the fountain of privilege, says, "I now only mention them incidentally, in order to remark the king's prerogative in making them, which is grounded upon this foundation, that the king having the sole administration of the government in his hands, is the best and the only judge, in what capacities, with what privileges, and under what distinctions his people are the best qualified to serve, and to act under him."—The third question is, "Whether, consistent with the judicial capacity of this House, in disfranchising of a corporation of such magnitude as that of the East India Company, the reasons of such disfranchisement ought not to be proved and supported, at the bar of the House, by the strongest and most entire evidence? Or, whether, consistently with the duty of this House to the king, as counsellors of the crown, a Bill, creative of a new executive power, in violation of the royal prerogative, ought not to be rejected *in limine* upon its principle, and without entering into the merits of it?" My lords, when Charles 2, and James 2, seized upon the charters, which they did for the purposes of the state, as they said; although, says sir W. Blackstone, "the proceedings in most of them were sufficiently regular," it gave great and just offence: but it seems Charles James Fox can now of himself attempt what those tyrants, neither Charles nor James Stuart put together, dared to do—seize upon charters by force and violence.—Here

The Earl of *Derby* called the noble lord to order. He said that that House knew nothing of Charles James Fox, and that it was extremely disorderly to mention an individual member of the other House of Parliament, in that manner, by name.

Earl *Temple* contended, that it was perfectly orderly for any noble lord to mention the minister by name, when he intended to criminate him.

The Earl of *Derby* admitted the force of the noble earl's argument, but said, it by no means applied. The noble earl whom he had called to order, talked of Charles James Fox, as having passed the Bill; this was a sort of language highly disorderly; the House of Commons had passed the Bill, and their lordships could not consider the Bill in any other point of view than as the Bill presented to that House from the Commons.

The Earl of *Abingdon* proceeded. He said, the fourth query is, "Whether, if this Bill should pass both Houses of Parliament, encroaching as it does upon the prerogative of the crown, it be not a right inherent in the king, as well as a duty which he owes to the country, in preservation of the constitution, to put his negative upon such Bill?" Baron Montesquieu says, "the executive power ought to have a share in the legislature, by the power of rejecting, otherwise it would soon be stripped of its prerogative; but should the legislative power usurp a share of the executive, the latter would be equally undone." Again, "if the prince were to have a share in the legislature by the power of resolving, liberty would be lost: but as it is necessary he should have a share in the legislature for the support of his own prerogative, this share must consist in the power of rejecting." Sir W. Blackstone, too, says, "the king is a constituent part of the supreme legislative power; and, as such, has the power of rejecting such provisions in parliament

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as he judges improper to be passed." He says too, speaking of the encroachment of the legislative upon the executive power, "Thus the parliament of Charles 1, while it acted in a constitutional manner with the royal concurrence, redressed many heavy grievances, and established many salutary laws; but when the two Houses assumed the power of legislation, in exclusion of the royal authority, they soon after assumed likewise the reins of administration; and in consequence of these united powers, overturned both church and state, and established a worse oppression than any they pretended to remedy." And now, my lords, these being the queries which it is my intention to submit to the opinion of the Judges, together with my reasons for the queries, I shall beg leave to add one reason more for the motion itself, of calling for the advice of the Judges upon this occasion; and it is this, that, as if the opinion of the Judges had been taken of the American war before it was entered into, that is, whether the parliament of England had a right to levy taxes internally on America, America not being represented in the parliament of England, that country might not, at this time, have been a part of the British empire? So upon the same ground am I persuaded, that the putting of these questions now, may be the means of saving the East Indies to this country: for, my lords, is it to be supposed that the servants of the Company in India, connected as they are in interest with the Company here, together with Mr. Hastings, at the head of 100,000 men there, will quietly deliver up those possessions, when by that delivery they know that they are themselves displaced to make room for others; and if not displaced, they will have members of parliament, and members of parliament's sons and kindred, riding upon them four and five deep, and quartered upon their emoluments, as much without number as without reason. My lords, I have done; asking pardon of the House for this long trespass on their patience; and, whilst sitting down, not doubting but your lordships will think that a monopoly of power such as this Bill requires, is not only unfit, under any circumstances whatever, to be had, but if it were fit, to place it in the hands of him who seeks it, would be as unsafe for, as dangerous to, the constitution of the country, I shall hope that the motion which I now have the honour to submit to the House, will meet with the concurrence of your lordships.

The Earl of *Sandwich* said, as the House were summoned upon other business, and that of great expectation and importance, he should give his negative to the putting of any such motion as the noble lord had proposed. The duke of Manchester enforced the same idea.

The order of the day being called for, the duke of Richmond desired that he might first present a Petition from the city of London against the Bill. The Petition was received, and was as follows:

"To the Right Hon. the Lords spiritual and temporal, in parliament assembled: —The humble Petition of the Lord Mayor, Aldermen, and Commons of the city of London, in common council assembled,

"Sheweth; that a Bill is now depending before your lordships, intituled, 'An 'Act for establishing certain regulations 'for the better management of the terri-'tories, revenues, and commerce, of this 'kingdom in the East Indies.' That before passing the said Bill in the House of Commons, no witnesses were called to ascertain the existence or quality of any abuses in the directors or proprietors, or the servants of the Company, nor was any state of the Company's commercial affairs inquired into by the said House.—That it is not only a high and dangerous violation of the charters of the Company, but a total subversion of all the principles of the law and constitution of this country.—That the election of executive officers in parliament is plainly unconstitutional, productive of intrigue and faction, and calculated for extending a corrupt influence in the crown; that it frees ministers from responsibility, while it leaves them all the effect of patronage.—That the clause of this Bill, which deprives of all share in the management of their own property, the proprietors of East India stock, and disfranchises them without the assignment of any delinquency or abuse, is an heinous act of injustice, oppression, and absurdity, and is a gross perversion of the high powers trusted to the legislature.—That the great principle on which the Bill has been supported, will not only in this, but in all cases, justify every infringement of the national faith, and render parliamentary sanction the worst of all securities; that this Bill takes away rights which parlia-

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ment expressly convened to preserve; that the public received a valuable consideration for the franchises so stipulated; that grants of parliament, under these circumstances, are not to be considered as gratuitous, resumeable merely at the pleasure of the giver, but as matters of binding contract, forfeitable only on such delinquency or necessity as is implied in the nature of every other bargain.—Your petitioners therefore most humbly pray that the said Bill may not pass into a law, and your petitioners shall ever pray."

The clerk having read the petition,

The Duke of *Manchester* said, that the petition, as far as it had caught his ear, contained expressions much stronger than ought to have been inserted in any petition presented to that House. He then read those paragraphs which reprobated the Bill as an act of injustice, and as a gross violation of the constitution. This he thought a sort of style that should not have been used by petitioners. It was, he well knew, a rule of that House, never to make itself the advocate and defender of the conduct of the House of Commons; but in like manner, he conceived, their lordships ought not to abet its calumniators, or countenance those who charged them of having been guilty of injustice, and a breach of the constitution.

The Duke of *Richmond* defended the petition, and said it had been drawn up in the very language of a famous protest, signed by the late marquis of Rockingham, and many other noble lords. The noble duke who now objected to strong expressions, had not always equally disapproved of them. He reminded his grace of having himself, a few years since, introduced a petition from America, couched in very strong expressions. With regard to the petition now the subject of discussion, he begged the House to recollect, that it was a petition against a Bill depending in parliament, that the Bill went to disfranchise the petitioners, and to dispossess them of their property, and that without any specific charge of delinquency having been alleged against them. He contended, therefore, that no language could be too strong for such an occasion.

The petition was ordered to lie on the table. The order of the day was then called for, and Mr. Rous and Mr. Dallas appeared as counsel for the East India Company; Mr. Hardinge and Mr. Plomer as counsel for the directors. The evidence continued for several hours. The charters, acts of parliament, grants, and other authentic documents of the Company's tenure and state, were read. The evidence was classed under separate heads, and evidence, written and oral, brought to each point. When the counsel came to propose, to prove that peace was restored to the Carnatic,

Lord *Loughborough* rose, and observed, that the counsel had already gone a great deal more at length into evidence than was necessary, and by abandoning the only rational way in which written evidence could be given, had misspent much of their lordships time, and at the same time afforded their lordships less real information than they might have derived, had the written evidence been adduced in the usual method, which was by authenticating the several papers by the proper officers, and handing them up to the table. Instead of this, they had gone into question and answer upon the whole, and by that means so lengthened out the business, that he could not for his part help suspecting that the learned gentlemen at the bar had been instructed to take up as much of the time of the House as their ingenuity could suggest, in order to protract the Bill, and thus prevent its passing, till it was too late to be sent to India in February next. The Bill had, by a variety of misrepresentations that had been spread abroad, been misconceived and misunderstood. He could not, therefore, but feel extremely anxious to come as soon as possible to that fair examination of it, that would shew it in its true light, and rescue it from all the calumny and falsehood that had been cast upon it. If it were longer delayed, the most fatal consequences might attend its arrival in India, where it would in that case probably find a faction ready formed to oppose it. From the little attention that the greater part of their lordships had paid to the evidence already, it was not very likely that they would pay a great deal to the mass of dry and uninteresting matter that the counsel were preparing to lay before their lordships; as therefore he had before waited for the discretion of the counsel in vain, and was confirmed in his suspicions, that their going so much at length into a recital, circumstantially and verbally, of matters already in print, and which neither the Bill, nor those who were friends to it, pretended to dispute, was done for the purpose of protracting the passing of the Bill; he should endeavour to save the learned

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gentlemen at the bar, and their lordships some trouble, by moving that they be restrained from going into proofs of the Carnatic having been evacuated, and peace being established in it, as it was a fact universally admitted.

Lord *Thurlow* differed entirely with the learned lord respecting the evidence that had already been produced. He conceived the counsel had acted with the greatest propriety; their clients had employed them—to do what? only to rescue them from a general imputation laid against them in the Bill, for it brought no specific charge. How was it possible for them to defend themselves, otherwise than by producing, in the first instance, authentic documents to their right, and afterwards, by a fair statement of their transactions and circumstances, to prove they had not abused that right. He agreed that some part of the evidence might as well have been omitted; but he was far from saying that held good with regard to the dispatches that were to prove that peace was established in India; and for this plain reason—the preamble of the Bill stated, that by the mismanagement of the Company, they had brought themselves almost to a bankrupt state, and that it required the immediate interposition of government to save them from ruin. Now, if they could adduce evidence to prove they had not mismanaged, but that their finances here were not despicable, and their situation abroad in a flourishing state, surely the preamble of the Bill could not be founded in fact. Ay, but then, said the learned lord, if the Bill does not pass immediately, which is solely for the regulation of the Company's affairs at home, it will totally prevent gentlemen from sailing in proper time to take upon them their appointments in India. What advantage was intended by that argument, he was entirely at a loss to comprehend; but even admitting the Company were actually the culprits they were said to be, would their lordships have it recorded in their Journals, that they had refused to give them an opportunity to establish their innocence? Should it be said, the constitution of this country allowed an individual, where his property was concerned, to appear by counsel at the bar of that House, and give his reasons why they should not proceed; and yet, when an Act was brought in to deprive a corporate body of their charter, and to invest their property in the hands of strangers, their counsel should be restrained from producing that evidence which, in all likelihood, would prove their affairs were in so excellent a train, that it would not be in the power of mismanagement, in the power of whoever this Bill might appoint, to put them in disorder? If the learned lord had thought the counsel were guilty of misspending their lordships time, why did he not state his suspicions sooner? Why did he leave it till peace was mentioned, and proofs were offered of its being ratified, with the authorities, and that hostilities had ceased in the Carnatic? These were circumstances that would not, most certainly, act very forcibly in criminating the Company for mismanagement, or for having brought themselves on the verge of ruin: perhaps it was upon this principle they had been objected to. When parties were admitted to the bar of that House, their case would be peculiarly hard, if any noble lord could get up and restrain the counsel from what might very likely be the most material part of his evidence. Could such a measure be called justice? If not, should it be said, that the first court of judicature in this kingdom gave sanction to it? He trusted not. The people's rights ought to be held sacred; and it would be highly subversive of those rights, to punish where no delinquency was proved, to censure where every approbation was due. The business before your lordships is of such a complicated and critical description, that every species of information will be found indispensable to a fair apprehension of it; and instead of blaming counsel for giving you too much, your lordships ought to thank them for the pains they have taken to contract it into a proper form, and present it at your lordships bar under a clear and connected point of view. They might, instead of a few papers, not tedious or complicated, have insisted on reading five hundred volumes: this, however, they had relinquished for such an abstract of the whole, as may not interfere either with the patience or the ordinary mode of the House. The learned lord had dwelt much upon the idea, that it was a wish with some persons to protract the Bill. Rumours may be propagated of such a tendency, as to frustrate all the purposes of the Bill. Who would have expected an observation of this sort from the learned lord? Ministry ought to be the last, at least, to hazard such surmises. Who knows not how industriously

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their creatures are occupied in this kind of work? For his part, he thought it of *too* much consequence to be passed hastily through that House. He could wish their lordships to consider it as he did, as a Bill of the utmost consequence and greatest importance; then would they examine minutely into every argument that could be adduced, and determine on facts, not on general implication. The papers, it was likewise said, were generally known; they were in every body's hands. This, to be sure, in a great measure, he could not deny; for he supposed their lordships were as well acquainted how they came into every body's hands as he was; a gentleman had sent them to him, and he doubted not that very few of their lordships had been omitted. It was, however, very singular to him, that the learned lord should object to papers as evidence, because they were printed; this was a new doctrine to him: but, however, the papers that were now offered, and were objected to, were not printed; they were not in every body's hands, for they had not long been received, therefore they certainly might be admitted without giving offence to the learned lord on that head, and prove some information to the House, as they would, perhaps; there did not exist that pressing necessity for passing this Bill, as had been held forth in another place.

The Earl of *Mansfield* left the woolsack, and said, he hoped the House would come to an agreement, without putting the question that had been moved. In cases where a Bill depending, materially affected the property of individuals, it was generally usual with the House to shew those individuals every indulgence possible, and to use as much delicacy in passing such a Bill as the nature of the case would admit. The present Bill was extremely severe on the petitioners at their lordships bar, and therefore he had imagined it was that their lordships had shewn so much patience. A great deal of the evidence already produced, he was inclined to think might have been spared; but what the counsel were now about to produce, appeared to him to be the most material for them to shew of any that they could offer: such delay as was necessary to do the business in a becoming manner, should certainly not be avoided; he hoped, therefore, the learned lord would wave his motion, and that the House would permit the counsel to proceed. The question on which the House was called to decide, would be materially affected by that fact. He owned, however, that the Bill deserved immediate investigation, and that too much dispatch could hardly be given to it, for the reasons the learned lord had assigned. But he imagined that much unnecessary delay would be occasioned by the present motion.

Lord *Loughborough* said, he had no difficulty to comply with advice that came from a quarter he so much respected; he therefore declared, that with permission of their lordships, he would withdraw his motion.

After some further conversation, the earl of Mansfield told the counsel to proceed; when Mr. Dallas called witnesses to substantiate the Company's state of their affairs, which he proved article by article, but did not establish them all as charges of which the recovery was sure. He then declared, that several of the witnesses they wished to have examined having gone away, and some of the books essential to the cause having been neglected to be brought up, rendered it impossible for him to proceed farther; and it being then past eleven o'clock, he hoped their lordships would have the goodness to indulge him till the next day.—On hearing this, mixed exclamations of Adjourn! adjourn! Go on! go on! came from the different sides of the House; whereupon

The Earl of *Carlisle* expostulated on the unreasonableness of any want of preparation being pleaded by the gentlemen at the bar. He said, a great deal of time had been spent in listening to a vast variety of evidence, much of which, he would venture to say, was so far unnecessary, that it tended to throw no new lights upon the subject. If the House were to make it a rule to adjourn on the mere suggestion of counsel, they would then lie at the mercy of the learned profession, and it would be almost impossible to bring any proceeding to a conclusion. He therefore hoped the House would order the learned gentlemen to proceed.

The Duke of *Chandos* said, the Bill was a matter of so extraordinary a nature, that every part of it ought to be examined with the most scrupulous attention; and above all, the necessity for any such measure ought to be established to the satisfaction of every one of their lordships. That necessity could not be better learnt than by going into an ample investigation of the state of the Company's affairs. The

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counsel then at the bar had laid a considerable portion of very material evidence already before the House; they had now been at the bar seven hours, and had desired to have till the next day to prepare more evidence. He thought the request perfectly reasonable, and therefore he should move to adjourn.

Earl *Fitzwilliam* declared his disapprobation of the motion. He could not think there was the least pretence for the gentlemen at the bar to expect their application would meet with indulgence, since the petition, in support of which they had been heard so many hours, had been presented six days ago; and since the very same gentlemen had appeared at the bar of the House of Commons as advocates for a similar petition presented to that House against the same Bill. He desired the House particularly to take notice of what had fallen from the learned counsel in his opening, when he had told them that he had not received those instructions, in consequence of which he had proceeded to examine the witnesses produced that day, till eleven o'clock the preceding night. The declaration confirmed him in those suspicions hinted at earlier in the day, that there was an intention to delay the Bill as much as possible, in order by that means to prevent its being passed. He appealed to the House in general, whether so odd a circumstance as the neglecting to give counsel instructions in due time, against a Bill that had been for some weeks before parliament, did not carry with it a very suspicious appearance? He hoped, therefore, the House would render fruitless any such attempt, and would concur with him in directing the counsel to proceed.

The Duke of *Portland* said, he should willingly have agreed to the motion proposed by the noble duke, and have acceded to the requisition of the counsel, had there appeared to him to have been the smallest reason to justify the latter. But as the Bill had been in parliament for some weeks, as it proposed a measure that had been much canvassed and talked of, and as that measure was of very considerable importance, and from its nature, and the nature of the subject to which it applied, such as ought, if adopted by the wisdom of their lordships, to be adopted with as little delay as the forms of parliament would admit, he could by no means give his consent to the motion. Being upon his legs, he would mention a matter to which he begged their lordships most serious attention, since it materially concerned the constitution of the country. A rumour had prevailed for the last three days, that had given him very great alarm indeed; so much alarm, that he had determined to state it to their lordships on the very first day that they met, after it began to be in circulation; and he should, he said, have done it much earlier in the day, but that he was loth to break through the regularity of their proceedings. Since this Bill had been brought into parliament, the public had been inflamed against it in the most industrious, and, in some degree, most successful manner. No arts, however unfair, had been left untried, to run it down, and excite a general alarm, in consequence of a gross misrepresentation of its view and its object. Among other arts, rumours of different kinds had been circulated with the most sedulous industry; and among others, one of a very extraordinary nature indeed. In that rumour, the name of the most sacred character in the kingdom had been aspersed, and the name of one of their lordships, he hoped, abused; but certainly such was the complexion of the rumour, that he should be wanting in regard to his own character, wanting in that love and zeal for the constitution, which, he trusted, had ever distinguished his political life; wanting in the duty he owed to the public as a minister, if he did not take an opportunity, if it turned out to be true, of proposing a measure upon it to their lordships, that would prove they felt the same jealousy, the same detestation, and the same desire to mark and stigmatize every attempt to violate the constitution as he did.

The Duke of *Richmond* rose, and declared, that from the hint the noble duke had thrown out, it was impossible to say to what he alluded. In a matter of so much seriousness, he ought to speak out, and to make a specific charge, that those it might affect should be able to meet it fairly, and bring it to a plain and direct issue. The noble duke might allude to one thing, or he might allude to something else extremely different, which was at that time in his recollection. A newspaper, which he had in his pocket, his grace said, contained as indecent and as scandalous a paragraph as ever he had met with; perhaps the noble duke alluded to the facts there stated. He would read it to the House. His grace then read the

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following article from an evening paper of Saturday :—

"A most injurious and absurd rumour prevailed yesterday, and was circulated with great industry through the various parts of the metropolis, that his Majesty had given a direct intimation to his ministers that he was hostile to the East-India Bill, and that they in consequence had resigned their respective employments. We have the best authority for assuring our readers, that no part of this report is true. To give a greater air of credibility to the falsehood, it was represented, that this event had taken place in consequence of a conference that earl Temple had held with his Majesty on Thursday last; the result of which was said to have been a positive assurance on the part of the King, that the Bill in question was in the highest degree disagreeable to him. This concomitant part of the story, however, is an evident and indisputable libel upon the characters of both these great personages concerned in it; for we can assure our readers, (also from the best authority) that his Majesty has given his gracious concurrence and approbation of the conduct of his ministers with respect to the India Bill a thousand times in the closet; nay, indeed, as often as it has been mentioned there. Now, to suppose or impute to any man, much less to this sacred character, so despicable a degree of confirmed duplicity as that of his having approved and patronized a measure in all the stages of its progress, from its first adoption till its third reading in the House of Commons, and yet that he was in fact averse to it, is too gross for belief, and is in this instance an act of the highest disloyalty. That lord Temple should have circulated such a report, knowing it, as he must, to have been founded in direct falsehood, is not extremely probable; and, therefore, the whole must doubtless have been the impudent fabrication of some hired runner, to produce a temporary alarm in the metropolis, and to try to effect by tumult, what they could not carry by argument." The above, his grace said, was as extraordinary a series of assertions, declared to come from the best authority, as ever occurred in a newspaper. Were these the rumours which the noble duke wished to submit to the consideration of their lordships? Were these the rumours which he intended to investigate? He would acquaint his grace, if he did not already know it, who was the author of these rumours; it was some hireling fellow, equally undeserving of his grace's patronage and their lordships' notice.

Earl *Temple* said, that conscious as he was that every word he must utter would be entirely unparliamentary, yet, after what had been suggested by the noble duke who spoke first, and after his name had been introduced by the noble duke who spoke last, though he must think not in the most parliamentary way, he should persist in desiring to be heard. The noble duke at the head of the Treasury talked of rumours; let the noble duke make a specific charge; whenever he did so, he would not shrink from it, but would meet it directly. That his Majesty had recently honoured him with a conference, was a matter of notoriety. It was not what he wished to deny, nor what he had in his power to conceal. He said, that it was the privilege of peers, as the hereditary counsellors of the crown, either individually or collectively, to advise the crown. He had given his advice; what that advice had been he would not then say: it was lodged in the breast of his Majesty, nor would he declare the purport of it without the royal consent, or till he saw a proper occasion. But though he would not declare affirmatively what his advice to his sovereign was, he would tell their lordships negatively what it was not. It was unfriendly to the principle and object of the Bill. If these were the rumours to which the noble duke alluded, he gloried in being the cause of them; and he would ever be ready to meet the noble duke on this ground, confident that he had acted a dutiful part towards his sovereign, and one worthy the approbation of their lordships. He was aware this sort of language was disorderly; he begged the House, however, to recollect, that he had not made it necessary; if lord Temple's name had been introduced, it was not the fault of lord Temple.

The Duke of *Richmond* said, that perhaps he had been disorderly in reading the paragraph from the newspaper; but the noble duke who talked of rumours, had done it in a manner so general and indefinite, that he had thought it highly necessary to have the matter explained. If the noble duke meant to take up all unconstitutional interference with the crown, he would join him, and go as far with him upon that theme as he would go himself; but then the noble duke must go

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back to his old ground, and leave his present connexions: he must once more act as a whig, and proceed upon whig principles. He hoped, however, when the noble duke did take up that matter, he would take it up fairly, and not partially; that he would look at home, and draw forth all unconstitutional interference with the crown, that of ministers as well as that of other lords. He knew that it was the duty of the servants of the crown to be about the King's person, and to consult and advise with his Majesty upon the receipt of foreign advices, upon the management of his finances, upon the conduct of the army or navy, upon military and civil promotions, and a variety of other executive subjects, in which his Majesty was necessarily to be consulted; but he would contend, it was as unconstitutional for a minister to advise the crown, and endeavour to influence his Majesty in regard to any Bill depending in parliament, as it was for any other person. The present administration, he asserted, had, from their first coming in, proceeded to act in defiance to whig principles, and upon the old system pursued by those whom they formerly opposed. They had manifestly taken unconstitutional ground, and governed by a corrupt influence. When they first came in, they had asked, the duke said, if he would join them. Though he liked many in administration, he foresaw what would follow, and his expectation had not been disappointed. The Bill then before the House was a proof of the sort of system which ministers had laid down. As he could not join them, he had quitted his situation, and left the Ordnance. What was the consequence? Three gentlemen, with no political views, nor in any way connected with influence, whom he had brought into office, were turned out, and three members of parliament introduced. Another instance he would adduce, and that was, the giving sir William Gordon, a gentleman who had served as an ambassador abroad, a pension of 1,000*l.* a year. What could this be for, but to give up his seat in parliament, that they might bring in a new member for Portsmouth? a very able member indeed, Mr. Erskine. A third instance was, the appointment of a noble lord, lately very high in the naval administration of affairs in this country, to the office of ranger of St. James's Park. Was this office conferred on him for his eminent services in the conduct of maritime affairs in this country? Would the noble duke have the boldness to assert it? Surely not. For what purpose, then, were this office and this emolument bestowed? For no other than that he might contribute his influence to the support of a ministry grasping at power through every means. These were reports founded in rumour; and if the noble duke was so unfriendly to rumours of so unconstitutional a nature, why did he not investigate their origin? Why did he not impeach their cause? Why did he not submit them to their lordships, as, in the last degree, dangerous and alarming?

The Earl of *Derby* begged the noble duke to look at home, before he ventured to impute blame to others. When the noble duke was at the head of the Ordnance, he brought his friends into office, as other men in high situations generally did; and it was notorious that two, if not more, of those friends were in parliament. His lordship took notice of the rumours abroad for the last three days, and reprobated such unconstitutional means of endeavouring to subvert a Bill, which could not be overthrown by fair argument.

The Duke of *Richmond* rose again; and, in order to justify himself, went into a detail of his conduct while in office. He said, he had brought into the Ordnance Mr. Crawfurd, Mr. Aldridge, and Mr. Smyth, neither of them in parliament, in the room of sir Charles Cocks, Mr. Strachey, and Mr. Adam, all of whom were in parliament; that Mr. Pelham, who had succeeded sir Charles Frederick, as surveyor-general, was in parliament, and Mr. Steele, who was his private secretary. Much as he disliked influence, and greatly as he had approved a place bill, it had always been a maxim with him, that one or two gentlemen belonging to each public office ought to be in the House of Commons. In his own case, he had but two of his official connexions in that House, viz. Mr. Pelham for the board, and Mr. Steele for himself. He said farther, that he had, on many occasions, stood up for the liberties of the people; he had also, when occasion required, defended the privileges of that House; and he should be equally ready to contend for the constitutional prerogative of the crown whenever it was attempted to be invaded, as it was, he contended, most violently by the Bill then under consideration.

Viscount *Townshend* wished to call their

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lordships attention back again to the subject that had given rise to the debate, which had taken so extraordinary a turn. It was, whether the counsel at the bar should be indulged till the next morning to prepare themselves farther, or should be ordered to proceed in the best manner they could then? This question had been started an hour since, so that out of compassion to the two learned gentlemen, who desired to proceed no farther, the House had gone into a debate, and kept them standing at the bar a full hour, as little regarded as a couple of hackney-coach horses standing at an alehouse door. The request of the two learned gentlemen, if complied with, he hoped was not meant as a beginning of more procrastination than that of a single day. He had not yet heard any thing against the Bill that had induced him to think of it in any other light than that in which the noble duke at the head of the Treasury had placed it. But he was certain, if it passed at all, it was necessary to pass with dispatch. The season required it. Every body knew that it could not be sent out to India, so as to take effect there early, unless it went in February; there was an end of any reformation in India, therefore, for another year, should it not be sent out in that month; and it was for this reason that he earnestly hoped no management, no endeavours to occasion delay would be practised. With regard to what a noble duke, his successor and his predecessor in office, had said about influence, he was a little surprised. That noble duke, upon a coalition having been formed before that, now so much condemned, and which had proved far more unpleasant to him, had been made master-general of the Ordnance. The noble duke then put his own friends into office. Nobody blamed him for it: but if influence was to be talked of, what had turned his friends Mr. Strachey, Mr. Adam, and others out? Nothing but influence. Every man at the head of an office naturally liked to have those about him in whom he placed confidence. For this reason it was, that when he came in again he brought back his old friends. The Ordnance had been called an Augean stable. The noble duke had set about cleansing it, and he thought his friends could best assist his labours. He, in like manner, chose to trust his, because he thought they could remove the dirt away as fast as any other people.

Earl *Temple* still declared himself dissatisfied with what the noble duke had stated in answer to his former interrogations—he seemed to decline being explicit. He begged the conduct of the noble duke might be marked: he had called for impeachment, but it had been refused him. The part he had acted was agreeable to his best sentiments; he enjoyed the recompence of his own mind, and was proud in the recollection of having acted the part of an honest man. The noble earl then went into the merits of the Bill. He said, that it was, in his mind, a direct attack on two out of the three branches of the legislature; and contained a doctrine of a tendency so alarming, that he conceived it his duty, and the duty of every peer, to give the most public and unequivocal opposition to it. It undoubtedly would behove them, in the faithful discharge of their duty, not only to attend to the requisition of the counsel at the bar; but if, when they had suffered the counsel to bring forward every species of evidence of which they were possessed, they still found themselves deficient in point of information, to stop and look around them that nothing might remain unexplored and undiscussed.

Earl *Fitzwilliam* said, he was exceedingly happy that the noble duke had so seasonably alluded to the alarming rumour that had been circulated with so much avidity, and by which the sacred name of a high person had been so shamelessly aspersed; since it had given an opportunity to the noble earl, who undoubtedly had been also aspersed by the rumour, to declare, in the most public manner in his place in that assembly, that the rumour was in every tittle unfounded and untrue. Every wise man indeed believed, as every good man wished to believe, that so unconstitutional an aspersion on the sacred name of Majesty, and on the independence of the two Houses of Parliament, was the idle breath of calumny, the miserable artifice of the day. A noble duke had said, that ministers were as blameable for the advice which they might give to his Majesty during the passing of a Bill, as any other peer of parliament. To this he must say, that when it was considered that every act of the sovereign was to be ascribed to his confidential servants, that the king could do no wrong, and that his ministers were in all instances responsible to their country for the measures of the crown, the doctrine of the noble duke could not be admitted; for no person was to go into the king's

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closet and give his advice, who was not responsible to the country for the consequences of that advice. But in the present instance, he was highly pleased that the matter had been mentioned, because the noble earl had declared it to be in every respect unfounded and untrue.

Earl *Temple* begged that the noble earl would not give to his words an interpretation which they did not bear. He had said, that the rumour, whatever it was, affected not him, while flung out in the loose and vague manner in which it had been stated. What the rumours in the newspapers might be he knew not; he paid no attention to any such accusation. If the noble duke had spoken out, and said clearly what he alluded to, he should have known what to say. He begged it to be understood clearly, that he had explained no tittle of the conference which he had the honour to hold with his Majesty in the closet. He had neither said what the advice was which he had presumed to give his Majesty, nor what was the result of his conference; but he should neither be ashamed to avow what was the advice which he had given, nor would he hesitate to publish what he was empowered to communicate, whenever he should be properly called upon to say so.

Earl *Fitzwilliam*. The noble earl has positively evaded giving any precise answer to the notice which has been taken of the most alarming rumours. With regard to the assertion of a noble duke, that the minister who should advise the crown to support a bill depending in parliament, and endeavour to influence the crown in its favour, would act unconstitutionally, I deny the doctrine. If I know any thing of the British constitution, the reverse is the fact. The crown can do no wrong. The minister alone is responsible for every measure of government while he is in office. He has a right, therefore, constitutionally to exert his influence with the crown, and indeed it would be impossible for any government to go on without such exertion. The case is widely different to which the noble duke has alluded. Thinking, as I do, that a rumour of so enormous a tendency ought to be minutely investigated, I do beg leave to call the attention of the House to it directly. I do not mean, my lords, the paragraph which has been read: I do not mean the rumour in the newspapers merely, but the rumour which they must have all heard, and which is, that the noble earl in my eye, had declared, that he was empowered by a great person, whose sacred name should never be heard as interfering in the progress of a bill, to say, that that person was hostile to the Bill.

Earl *Temple* desired that the noble earl's words might be taken down.

The Earl of *Carlisle* reminded their lordships, that according to the order of the House, when any noble lord's words were moved to be taken down, the bar must be cleared.

Strangers were upon this ordered to withdraw. While they were out, as lord Fitzwilliam merely stated the facts alleged against earl Temple as matter of rumour, earl Temple begged pardon for having given their lordships so much trouble, and waved his request of having the words taken down. The question of adjournment was then put, and the House divided: Contents 69; Proxies 18;—87. Not Contents 57; Proxies 22;—79. Majority for the adjournment 8.

Dec. 16. The order of the day, for farther hearing counsel on the Bill, was read, when counsel were called to the bar, and Mr. Rous proceeded to lay more evidence before the House, touching the Company's rights, and the state of their affairs. After Mr. Morton had read different documents for about an hour, Mr. Dallas argued in defence of the Company. Mr. Hardinge was heard afterwards in support of the petition, and followed by Mr. Plumer.

Dec. 17. On the order of the day for the second reading of the Bill,

Earl *Gower* rose, and observed, that, from the Bill itself, and from what he had heard so clearly, ably, and distinctly urged at the bar, he could not resist the impulse of declaring his dissent to the Bill. He felt it so forcibly, that he should not be satisfied with giving it a silent negative. It went to condemn where no criminality was proved: it went to rob a body of men of their corporate rights, without the appearance of guilt, nay, when their innocence was clearly established. It had been called a bold and rapid measure: it was a bold one he would admit, for as it appeared to him, it militated against the constitution of this country. He was happy to see it was considered as of the greatest consequence by many noble lords, as well as himself, and had brought them, as it had done him, from

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their country retirements. He had not thought of coming to town until he received a copy of this Bill, which he no sooner read, than its alarming tendency made him determine to set off and give what weight he possibly could towards its rejection. That House had proceeded with the most tenacious precaution, when a body of people were to be deprived of their franchises in another case, and were satisfied of their delinquency before they would give their sanction and assent to such a measure. Had any delinquency been proved, had any been attempted, by which these men had forfeited their chartered rights? Certainly not. It was said they were bankrupts. Was that the fact? Had not the contrary been clearly adduced, from authentic documents? He would, however, state what appeared to him the pretended and the real cause of this Bill. It was once pretended, that from the circumstances of the Company, the mismanagement of their directors, and the disobedience of their servants abroad, actual ruin stared them in the face, and made a necessity for parliament to interfere, to save them from ruin. The real cause, he suspected, was the amazing patronage that would be acquired to the minister by this new arrangement. There might be a necessity for keeping the present administration upon solid grounds, without the apprehension of being removed; and the influence that would undoubtedly be acquired by this measure under that consideration, was very far from being contemptible; but was that sufficient for their lordships to consent to a violation of charter, to the seizure of property, and the annihilation of a Company which had maintained its credit as the first commercial Company in the world for upwards of two centuries? Surely not. They would be convinced, that the necessity for this violent measure did actually exist, before they would adopt it. If the Bill should pass, which he trusted would never be the case, and the influence that it would really throw into the hands of the minister was considered, he conceived that the title with propriety might be altered to, "An Act for regulating the East India Company, for the better government of Great Britain."

The Earl of *Carlisle* said, that if he could agree with the noble person who spoke last, upon any point relative to the Bill before the House, it would be upon that which bestowed commendation upon those learned gentlemen at the bar, who undoubtedly had done ample justice to their clients, by affixing every objection upon this measure that professional art and address could possibly suggest to them. With this fair tribute to their abilities, it was necessary to observe, that in the management of the cause, they had held up to the contemplation of the House but one side of the medal. It was his duty to remind their lordships, that that medal had its reverse; and though it did not suit the learned gentlemen's arguments to make the same display of it as they did of the other side, yet he was persuaded their lordships would not, in their justice, suffer it to be buried in concealment. Upon this reverse would not be found any flourishing characters of modern inscription, but, more according to the mode of ancient simplicity, they might perhaps be able to trace only one solitary word, that indeed a very emphatical one, the word 'necessity.' That, in spite of every thing that had been said upon this subject both within the House and at the bar, was, he maintained, the basis of the pedestal sufficient to prop a larger and a heavier measure than that which was placed upon it.

The counsel at the bar had conducted their opposition to this Bill on three grounds: 1. On the supposed confiscation of private property: 2. On the wanton demolition of the charter: 3. On a statement of the Company's accounts, tending to prove their situation not that which vindicated the measure here proposed As for the charge of confiscation of private property, it was sufficient to say that it stood upon a mere assertion, and the assertion that it was false, might be a sufficient answer, if it were not easy, and more respectable to that assembly, to shew, by the regulation of the Bill, that no such private injury could attend any of its operations. Instead of confiscating the property of individuals, the first object of it was to render it more secure, and prevent the danger to which it was now liable. That property, it must be always remembered, was a property intimately blended and inseparably mixed with the general interests of the public at large. The question was, whether the public had a right, under this connexion, to watch and superintend it, or to let it proceed gradually, but visibly, to ruin, when the moment was not passed in which they could

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prevent the mischief? What was this violence complained of? That, from the proof of mismanagement sufficiently manifested and sufficiently felt in the conduct of the Company's affairs, other trustees should be appointed for the Company and the public, from whose ability and integrity a more lively hope of better management might be fairly entertained. Would the endeavour to make the government at home more respectable, render this property more precarious? Would the attempt to prevent disorders and misconduct abroad, diminish or increase its value? Was that industry of the legislature to be censured and condemned, which professed to draw the attention and views of a commercial Company to the real and solid objects of commerce, to draw them from the mad pursuit of territorial acquisition, purchased by the means of unjust and destructive war? Separate this property from the public interest, and the interposition of the legislature, which affected its management, would not only be impertinent, but tyrannical. Admit their union, and let them vindicate, if they could, the indifference of government to the distress and danger that then threatened the Company's affairs, and which he should venture to expose, notwithstanding the clouds by which they were so ingeniously obscured.

The demolition of the charter afforded the second ground of opposition to this Bill. To lean to the reasoning of the learned gentlemen at the bar, they must conceive that the British constitution received its death-blow upon the alteration or resumption of any charter; and in arguing so, they did well to keep back from their lordships recollection the alterations that had been made in this very charter by the legislature. The violation of the charter was complete, when they altered the qualification of the proprietors vote. It could not be therefore of that sacred nature which forbad the boldness of all human approach. It was not a religious mystery, for they had already pried into it, and would not admit that they had been guilty of profanation. It was, indeed, a solemn compact, made between the state and certain individuals, for the promotion of the general interest. Let them conceive it possible that the interests of individuals, grossly militating against those of the public, should be found, upon experience, to be the essence of such a compact; and indeed it would require more ingenuity than those learned gentlemen had displayed, to convince the House that such an instrument was not revocable. He knew it was covenanted, that in that vessel, wherein the public were embarked as well as the East India Company, the rudder should be given into the hands of the latter. But had it been covenanted, that it should be given up to them without any condition? That the proof of ignorance and want of skill should not be considered as sufficient to justify the resumption of the power? Let them observe what, by this reasoning, was the spirit of the compact: that the guidance of the vessel being once entrusted to these unskilful mariners, the public must patiently abide all the consequences; and though they perceived they were running with obstinate ignorance upon every danger that the sea produces, had nothing left but to fold their arms, and gallantly go to the bottom with them. If this was not the real spirit of the agreement (and that common sense said it was not, would be readily admitted), it might not be beside the purpose, to inquire whether charters, and any other instruments or compacts of similar description, made between the state and a partial division of its members, had not their foundation in something more reasonable than such extravagant notions of honour, which, by the removal of modern times from those of chivalry and romance, were not at present quite comprehensible. Was not the general benefit, and the public advantage, the essence of every compact of this nature? If this was saying too much, was the position false which asserts, that the general inconvenience and the public danger ought to cancel and render revocable every such instrument? It was to this point that this question was to be brought. For it was not now a matter of dispute whether that which was intended as a general benefit ran in too partial a channel, did not moisten the whole soil, and, as it ought, transfuse abundant vegetation and universal life; but whether, from want of care and industry, the springs themselves were not nearly choaked up, and famine and disease likely to follow the loss of its waters.

The counsel for the Company said, it was his client's chartered right to be ruined as he chose. He was no longer free, if he might not undo himself as he would; and there was an end of all public faith, if he was straitened in this pri-

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vilege. Be it so, as long as he pulled down destruction only on his own head. But who were implicated in this ruin besides himself? Every inhabitant of India subject to the European government, who, by a continuation of the present system, was to remain without redress, or exposed to new sufferings and fresh calamity, and who, by the intended alteration of this system, might have a prospect open of security and happiness. Added to these millions of sufferers (who had no counsel at their bar to answer the learned gentlemen's arguments), the whole people of England were most nearly concerned, who were now to make up the deficiencies of the Company, arising from their incapacity to govern; who were now to suffer, because ambition, peculation, and criminality, had reduced the Company so low, as at this moment to require an exemption of those duties due to government, which had been cheerfully paid by every other branch of their trade, though subject to the same hardships incidental to a long and unsuccessful war.

He should now proceed to the third head of opposition to this Bill, viz. the statement of the Company's accounts. In the examination of the printed statement of the Company's affairs, as presented by the counsel at the bar of the House, it would appear that there was, on one side, the enormous, acknowledged, undeniable debt of 10,342,692*l.* against which was placed a great variety of articles, forming a mass of property to the amount of 14,311,173*l.* leaving a balance in the Company's favour of 3,968,481*l.* It was his duty, and a melancholy task he found it, to prove to the House, that this statement of property, in some of its articles, was, at best, but speculative; in others, perfectly fallacious, and consequently inadmissible; and when the pen, directed by common sense and reason, had erased such as never gained admittance in this account, except for the purpose of deceiving the House and the public at large, so great a deficiency would be shewn, that if it did not threaten the immediate bankruptcy of the Company, yet was big with such extensive mischief and disorder, as not only to justify this parliamentary interposition, but to render a less vigorous attempt on the part of ministers for the general safety, a neglect and an omission of their public duties.

Beginning, therefore, with the debt of the Company of 10,342,692*l.* and taking the account of assets of 14,311,173*l.* The first article to be examined was that of 4,200,000*l.* This sum of 4,200,000*l.* a debt due from government, ought never to be stated as an asset to that amount, because government, by the terms of acceptance, was under no obligation to return the principal, unless the monopoly was destroyed by its interference, which was not meant or intended by the present Bill. The consequence was, that to produce this as an asset placed in the scale against so much of the acknowledged debt, the Company must sell from out of the 3 per cents at the price of the stock, not producing more than 2,500,000*l.* Therefore 1,500,000*l.* must in reason be rejected and cut off from this article.—"260,687*l.*; Subsistence of French Prisoners." The only observation on this article was, that the French had not complied with it, though every minister since the peace in 1763, had made the requisition. It might be improper and imprudent to offer more reasons for the refusing this article a place on this side of the account.—"161,324*l.*; Manilla and Hospital Expenses." The Treasury had regularly refused to comply with this demand; and if there had been reasons for that non-compliance, it was natural to suppose those reasons still existed, and consequently made it impossible to admit this for the purpose it was designed to answer, in liquidation of the debt.—"Merchandize 1,219,091*l.*" Whatever was placed to the article of merchandize, ought to be admitted; whatever to military stores consumable, and perhaps in this moment gone and consumed, certainly not. He understood that a large part of the first, besides the second article, contained military stores and other effects consumed, or in daily consumption, and that a rejection of at least 500,000*l.* from this, would leave more than ought to be left, considering it as a balance to the debt.—"12,300*l.*; Ships employed in England." This article presumed upon the instantaneous bankruptcy of the Company, their leaving off trade, and selling the utensils by which such trade was carried on. The absurdity of this reasoning was too gross; but then it was a little extraordinary, when it was attempted, in order to swell the account on this column, that they should think of selling their effects in order to pay all their just debts, that the sum originally subscribed by the proprietors, to the amount of 2,800,000*l.* was omitted. When they were stating

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their assets, they were persons absolutely leaving off business; when they were stating their debts, they were going on with trade.—" 253,616*l.*; Houses," &c. The same reasoning applied to this whole article, with the addition, that if these effects should be put to sale to-morrow, they would fetch the money here asserted to be their value; but the whole article was to be rejected upon the first reasoning.—" 680,509*l.*; Millitary Stores." " 789,828*l.*; Nabob's Debt." He knew very well, that the plea of poverty in Asiatic princes must be admitted with caution: they had too much cause rather to conceal their wealth, than make an ostentatious display of their treasures. It was therefore necessary, before they determined on the ability of an Indian prince to satisfy the demand upon him, to examine his situation with attention. In contemplating that of Asoph ul Dowlah, little expectation would rise out of that view of his ability to discharge the debt he was said to owe. His reasons for his inability were these: that no later than 1779, he was necessitated, by the strong advice from the supreme governor of Bengal, to seize upon the jaghires of his mother and his grandmother; stipends that were not only secured to them under the seal of filial duty, but guaranteed to them by the English government itself: 600,000*l.* out of the demand of 1,400,000*l.* was paid, and left a strong instance, in the history of Indostan, of Mahometan piety, under the proper direction of Christian decency and European faith. It was but fair to suppose, that if there had been any other source of wealth within his reach, he would not himself have attempted so execrable an action; nor would the European policy have permitted it, if the money could have been procured by any other means more decent and less flagitious. They were therefore necessitated to give some credit to the representation he made of his own situation, in his letter of the 24th of February, 1780, in which he said, that " the resident had obliged him to give up every thing; that he had been obliged to stop his servants pensions, his parents jaghires. In the country no resources remained. Alas! (he adds) I have elephants, horses, and houses; if they will serve my friends, let them take them. In this situation, I am in want of daily subsistence." Admitting this only as partially true, yet he could not but resist the attempt of placing the debt from a man so circumstanced, against a positive and undeniable debt. Besides, even setting aside the reasoning of his incapacity, a fallacy was discovered, behind which the debt so demanded was not intended to go into the Company's coffers, but to be expended in keeping up troops for the defence of the province. Where then would be the asset?—" 864,110*l.* Military Stores." " 968,012*l.*; Nabob of Arcot's Debt." If any comfort was derived from this article, it should be observed it was under-stated. His debt was at this time above 1,500,000*l.* and by the next ships would be a great deal more, because the longer he owed the money, the more interest gathered upon it. All the ready money that could be raised, was expended upon the service of the army. He was living a pensioner almost upon British bounty; his country laid waste; and there was not an European nabob who would give much for this article.—" 158,250*l.*; the Debt of Tanjore." Supposing it forthcoming, it could not be under the denomination of an asset, because it was a subsidy for the payment of the forces employed to defend the country; and he was sure the debt to be incurred by the deficiency in case of non-payment of this sum, was not carried to the other side.—" 993,804*l.*; Renters' Debt." This, he understood, was the most fallacious of all; it was an accumulation of interest upon desperate debts, due from people who existed no longer, and to be raised upon land impoverished and desolated.—" 27,618*l.*; St. Helena." It was said that no such stock existed.—" 148,003*l.*; Military Stores." The total of what he had objected to was 6,780,061*l.* This deducted from 14,311,173*l.*, there remained 7,531,112*l.* The debt 10,342,692*l.* add 502,174*l.* (admitted as an arrear to the army, and must be considered as a positive debt) and 2,800,000*l.* (what was already subscribed by the proprietors). The debt would be 13,762,866*l.* The deficiency upon the whole 6,231,754*l.*

Having stated what appeared to be the real difficulties under which the Company at present laboured, and from which they would never extricate themselves, without as vigorous and as strong an interposition as was intended by the present Bill, it might be necessary for those who maintained that the remedy was applicable to the disorder, also to state their ideas upon the causes of that disorder. Three principal causes seemed to stand more for-

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ward than any other, and to which all the mischief, all the misfortunes, all the calamities that had marked the European government in India, might be attributed: 1. The shameless violation of all compacts and treaties made with the native princes in India. 2. The systematic disobedience and contempt of every order and instruction issued from Europe. 3. The intemperate thirst of aggrandizing territorial dominion in India, masking and disguising the more dangerous and intemperate lust of accumulating wealth in the coffer of the individual.—If he had ability to shew that these causes might be as distinctly traced in the inferior governments of India; and that in such governments as were within the observation of the superior control of the supreme council at Bengal, the most open and unqualified infraction of treaties was to be perceived, the most arrogant contempt of orders was to be observed, and the boundless desire of adding territories, for no better purposes than those he had alluded to, was to be marked; he believed no man, having so examined the inferior governments, would, when he arrived at the superior, expect to find better faith, more submission and obedience, or a greater contempt of public dominion or private wealth.

With this reasoning, he must draw the attention of the House, in the first place, to the transactions of Madras; and he should state one of the most glaring violations of a solemn treaty or compact that any history could parallel. In the treaty with Hyder Ally, the second article ran thus: "That in case any of the contracting parties shall be attacked, they shall, from their respective countries, mutually assist each other." In 1770, Hyder Ally wrote to the presidency, desiring assistance, and, in his own words, a very small assistance, only to save appearances; but this was refused him. Here was an open, shameless violation of a solemn compact, without any excuse but that of convenience; and he knew not (such was the infatuation, want of foresight, and preparation in that government) whether even that miserable apology was offered in the condescension of the presidency. He was not going to insist that this breach of faith and national honour brought down upon us that great cloud of war which burst at once upon the Carnatic; or that Hyder wanted this, or the expedition to Mahè, where we drove out his troops, or the wrongs of the nizam, to turn his arms against us. But it was to his purpose to shew, that if he wanted pretences to destroy the general tranquillity, we, in our imbecility and in our unfitness to govern, afforded him those pretences. It was, that these pretences, for the future, by a better government, a more honourable adherence to compacts and to treaties, should not be so liberally afforded to any person, with whom they might hereafter have any transactions in India; and this, he contended, was one of the great objects of the Bill; and he trusted, that, in its operation, the national character for fidelity and honour was yet to be restored. He must mention another instance: In 1766, the Company entered into a treaty with the nizam, agreeing to pay five lacks, by installments, for the Gentoo circar, and that the circar should remain in the hands of Bazalet Jung, the nizam's brother, he being the zemindar for the Company during the nizam's life, or till he saw good to remove him from that situation. In three years after, the presidency, in the full defiance and profligate contempt of every part of this solemn agreement, without the participation of the nizam, concluded privately another treaty with the brother, to surrender the circar into their hands. In consequence of this impudent transaction, the nizam made use of a language, the only kind that was ever much respected by us in India, the language of menace. We trod back our steps, restored the brother of the nizam, and left implanted on every mind in Hindostan a due respect for our good faith, and honourable and religious adherence to agreements of this nature.

So much for our integrity and honour. It was necessary for his argument, at least, to gather out of a very luxuriant field, one instance, to shew the power of the direction at home over their servants in these inferior governments. In 1775, the Company gave directions for the institution of a committee, called a committee of circuits, for the purpose of visiting, ascertaining the value, and of regulating their northern possessions, under the denomination of the northern circars. In 1777, this committee actually proceeded upon their duties, bound and restricted by the most positive injunction that words could convey, not to let any leases for above one year, till they heard again from Europe. In 1778, the presidency of Madras, in direct and positive contradiction to the will of their masters, in direct and

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positive opposition to their orders, destroyed their institution, flung down the whole edifice they had raised for their own advantage, and for the ease of the inhabitants of those districts, stopped the survey of the valuation, ordered the zemindars down to Madras; and without these surveys and valuation to direct the agreement, and deaf to the remonstrance of the unhappy people, who knew not, when they turned their backs upon their territories, whether usurpation, in their absence, might not prevent their return, made the contracts with them, not for one year, enjoined and commanded by the directors at home, not for two, nor for three, nor even for four, but for the distant period of five years.

In turning towards the third cause of our misfortunes, the thirst of enlarging our power, and engaging in war for that purpose, it was necessary to state what were our motives and provocations for entering into the Rohilla war, and assisting the vizier with our arms to subdue a country at peace with us; and to exterminate a nation with whom we had no quarrel. "He will obtain," says the president's minute, "by this acquisition, a complete and a compact state; it will give him wealth, of which we shall partake, and security without any dangerous increase of power." Here the motive stood undisguised. The event justified, perhaps, the rectitude, humanity, and justice of our conduct. The nation was extirpated; they were swept from the face of the earth; and the plunder, he took for granted, did not miss the intended channel.

The next object was the Mahratta war; but it was an object to which he reluctantly turned. It was here he was warned to tread with caution; whatever was said upon this subject, he must take care that nothing was said that might be accusatory of the governor-general. His memory must fail him, when it suggested to him, but he would not assert for fact, that there were writings extant in which that person called the Mahratta war "his war." Without that admonition, he should certainly have attributed that war, with all its calamities, with the ruin it had brought upon the Company, the desolation with which it had covered Hindostan, to that person. He was not standing up an accuser; nor was it to his purpose, in the support of this Bill, to enter into an altercation with any man, upon the spot where the first seed of that mad, ambitious, and ruinous war was first laid. Let him attribute it to Bombay, and let him exaggerate as he pleased the consequence of Salsette and Bassein, and prove our right to them: let him place it to the ambition of Bengal, and the infraction of the treaty of Poorunder to the miserable politics of the supreme government of India: let him fix it, if he pleased, with the directors at home; it mattered not to the argument he meant to support; that it should not have originated any where; that it was mad in its project, and more fit for the undertaking of an Alexander, than a company of merchants in Leadenhall-street. Such wars as these, he trusted, would be avoided, if the operations of this Bill were not defeated.

He had said, that, in looking at the transactions in Bengal, a more ready obedience to the Company's orders was not to be expected. To prove this, it was necessary to expose a transaction which occurred upon the appointment of Mr. Bristow to be resident at the court of the nabob of Oude. In the following year, the governor-general, without alleging any blame, or charging Mr. Bristow with neglect or crime, moved for his recal, and succeeded in his motion. As soon as the directors could express their disapprobation of Mr. Bristow's dismission, they did so; and accompanied their censure with positive orders for his complete and full reinstatement in his former station; and this was the manner in which that order was complied with. He was reinstated with a most extraordinary diminution of his power, confined to the conduct of political negociation, and with an exclusion and prohibition from any interference with the pecuniary engagements of government; and this reluctance to comply at all with the letter of the directors, and the plain disobedience to its tenor, was thus justified: that such a reinstatement would be destroying the governor-general's authority, and that the public interest must suffer by this affront put upon the situation of the governor-general. But it must be observed, that if that reasoning was true, it would better have supported the refusal to comply with the order than the partial reinstatement of Mr. Bristow. The public had sustained its full injury by the affront to the governor, when he was so humiliated as to send him back to his station; and therefore, why he was not restored also to the management of the pecuniary concerns, was unaccountable.

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The transaction relative to the resident of Benares, marked the same spirit of contempt and disregard to the injunctions from home, as the former instance. In 1776, it was said, that the purposes for which Mr. Fowke was appointed resident at Benares being over, his commission should be annulled and expense saved. Twenty days after this, it was alleged that there was still business for a resident, and Mr. Graham and an assistant were appointed, and Mr. Fowke left out and put aside. The Company, upon being informed of this order, as in justice they ought, directed the reinstatement of Mr. Fowke, and censured the expensive provision for the two gentlemen, as idle and unnecessary. When this order arrived in India, it was agreed it should be suspended upon the old ground of acquiescence and obedience, being affronting to the governor, and consequently injurious to the Company's affairs. In the year following, a repetition of the order arrived in India, couched in terms of indignation and just anger, and then followed the mockery of obedience. Mr. Fowke was reinstated one day and recalled the next, and Mr. Markham appointed to the court of the rajah; and in order to shew how instrumental disobedience was to œconomy, a new appointment of an agency of boats, with a commission of 15 per cent. was made out, to recompense and reward Mr. Fowke for his disappointments.

The next example he should cite, was a mixture of disobedience and of violation of the public faith. It was easy to suppose he alluded to the unfortunate rajah of Benares. It might be necessary to remind their lordships, that the zemindary, held by Cheyt Sing, was transferred by the nabob Asoph ul Dowla to the Company; from the Company to the rajah, upon the yearly payment of 23 lacks of rupees. His agreement run thus: "After the payment of the same, I shall receive a release, and discharge in full." In the 9th page of the narrative these remarkable words occurred: "The lenity of government, in relinquishing to him the free rule of his zemindary, subject to a limited fine, ought to have operated upon his fidelity." Soon after, in 1778, the first demand was made upon him, beyond his usual and 'limited fine,' for five lacks of rupees. He pleaded poverty, but paid it; the narrative said, with a very bad grace. In the year following, another demand was also made. He not only paid this with a bad grace, but with the impudent affectation of selling his plate and jewels. Again a demand was made upon him: he complied with more difficulty and affectation on his part. He was contumacious. Again a repetition, for keeping up troops, and God knew what. He pleaded utter incapacity, and presumed to arraign the infraction of the agreement. He was rebellious: an army was marched against him: he was arrested in his palace; and governor Hastings fulfilled his resolution, to use his own words, of "making him pay largely for his pardon, or of exacting a severe vengeance for his delinquency." Every body knew the sequel of the story, the blood that was spilt in his rescue, and the expensive military operations that followed upon it.

Such, then, were the disorders which had prevailed in their government of India, and such would continue to prevail, unless the strong hand of the legislature should be stretched out with efficacy and decision. In this moment, the government was in India. There might be those who thought it not misplaced. If that should be a general opinion, at least let them avoid the mockery of appearing to hold the reins of power at home. If the country was not ripe to consent to a complete renunciation of all control in India, erect a government at home that should not be a mere pageant. Let them consider the distance of the two countries; consider the rooted habit of disobedience, the systematic contempt of European rule, which he had traced and pointed out in all the separate Eastern settlements; and then, if they could, give energy to any system that did not carry with it an idea of permanency to that which was to be lost and dissipated by the first blast of ministerial change, and to be annihilated in the animosities of contending factions.

As for the invasion of the King's prerogative by this Bill, he hardly thought it necessary to treat gravely that subject, till those who raised this cry chose much more distinctly and clearly to shew that which was in reality to be taken from the crown, that which parliament in its imprudence assumed to do, and which was before in the executive power to perform. He owned he had another apprehension when the merits of this Bill was to be discussed in this place; and he conceived that opposition was likely to rise against it upon the ground of adding to, rather than diminishing, the power of the King;

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and he was far from being sure, if they were to listen and incline to the nice and jealous fears of such sensitive minds, they ought not more attentively to turn to those who saw, in the distance, a possible acquisition of novel power accruing to the executive branch, at the expiration of a certain period, than to those who fancied they perceived an infringement and diminution of a power not at this hour actually enjoyed by, or attached to, the person of the sovereign.

The Earl of *Coventry* declared, that he was an enemy to the principles of the Bill, as he considered it to be a violent attack on the rights of the people. He had come to town, he confessed, for the purpose of opposing it; and nothing should be wanting on his part to frustrate such a dangerous innovation, which was the most alarming attempt to subvert the constitution that he could charge his memory with. Their lordships should remember, that it was an infraction of the chartered rights of this country. Was it not, in this view, calculated to excite general alarm amongst all the separate communities of this kingdom? Necessity had been urged as the support of its principle. How false and dangerous was the assertion! Necessity had been said to be the plea of freedom as well as of tyranny. The proposition was unfounded: the case of the Revolution had been urged as a proof of the presumption; but could any thing be so contradictory to fact? The Revolution was the effect of no hard necessity, but of the violation of a monarch's coronation oath. Nothing was so easy as to plead necessity as a pretext for the most dangerous measures. Such necessities, if allowed to go into precedents, would authorize the most alarming violation of property and right; they would lead to a ministerial interference with the direction of the Bank, and of all the great corporate bodies of this kingdom; they would afford a pretext for the abolition of Magna Charta, for it was a charter granted by royalty. On these accounts he was unfriendly to the present motion. He himself had the honour of belonging to a corporation; but if this Bill passed, he, as well as those who were concerned with him, would tremble for their charters, as this was a downright attack on every charter in the kingdom, and consequently merited the indignation of parliament. He could not conceive what the Company had done, that they should be so suddenly stripped of their property. The noble marquis, whose memory must be deeply impressed in the hearts of every one who had the honour of his acquaintance, would be astonished, were he now alive, to find that men who had acted always on his liberal system of politics, and who had formerly agreed to a resolution, that the influence of the crown "had increased, was increasing, and ought to be diminished," should act on a system diametrically opposite. As he considered that the Bill tended to disfranchise men of their property, and that in an illegal manner, without sufficient proof being produced, he would, as far as he could, oppose it, as he detested its principles and tendency.

Lord *Rawdon* made an apology to their lordships, that he, who was unaccustomed to speak, should venture to trespass on their time and patience. But when he considered that the dearest privileges and rights of this House and this nation were attacked by the Bill, he felt bold, and could not resist the impulse that urged him to oppose it. He allowed, that a case might exist, in which it might be wisdom, and the duty of parliament, to sacrifice the interests of a few to the good of the whole. He said, however, that it was very rarely indeed that injustice could be good policy. He had a great respect for the abilities of the noble lords who had argued for the Bill: he meant not to say any thing disrespectful to their understandings, and far less to insinuate, that their inward sentiments did not accord with their outward expressions. For many of his Majesty's ministers he had a great respect: the abilities, the integrity of the noble lord who had defended the Bill, he greatly respected; and the talents and uprightness of another noble lord, who had stood forth in a very responsible situation for the good of his country, in the present juncture of affairs, he greatly admired. The talents of a right hon. Secretary, too, were justly an object of general admiration. But he took the liberty to admonish their lordships to consider, that as that right hon. Secretary had not been very scrupulous as to the means by which he rose to power, so neither was it probable, would he be very scrupulous in the exercise of it. Of the ministry in general he observed, that, were they men bound together by political principles, especially by what were called Whig principles, or the principles of liberty, he should not be very suspicious of their designs. But

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when he reflected on their former professions and their present conduct, their former differences and the only principle that could be supposed to unite them, he confessed his apprehensions for the safety of the state. The patronage of India was enormous. Let it farther be considered, that that patronage wields a very powerful engine—an army of 100,000 men. As 100,000 was to 17,000, in that proportion was the patronage of India to that of Britain. The patronage of India, with respect to shipping, and military stores, and contracts for these, was in a similar proportion. If the contracts of government with merchants were alleged as a cause of exclusion from parliament; and if the influence of individuals, coming home from Asia, were complained of by country gentlemen, as being likely to destroy or overpower the landed interest of this country, how much reason had these gentlemen to be alarmed, when they reflected, that to all the influence of the crown was added the united influence of all the nabobs of the East? He was farther of opinion, that as the Bill gave too much, so it also took too much away. It took from the influence, the legal and constitutional influence of the crown, and placed what it ravished from thence in the hands of the legislative body, where, as the history of England abundantly demonstrated, the executive power had never been lodged with safety. This was agreeable to the reasoning of Montesquieu, and to every day's experience. He hoped their lordships would consult on the present important occasion, the independency, the influence in the state, of the peers, and, at the same time, their own dignity. With regard to the policy of the Bill as to commerce, the advantages of it in point of interest, these were matters which he would leave to the consideration of those who were better qualified than he was to judge of them.. But as to what he conceived to be the grand object, the political expediency of the Bill, and its operation and effect on the British constitution, he was decidedly of opinion, that it could not fail to be ruinous and fatal.

The Duke of *Manchester* said, he had paid particular attention to the Bill from the beginning, and found that it contained nothing which called for the general odium at present thrown out against it. It contained no principle so radically bad as to prevent their lordships from going into a committee. He then went into general calculations concerning the finances of the East India Company, and into proof, that the interposition of parliament was very necessary at this time. With respect to the fallacy of the Company's accounts, there were several articles that came under his own inspection, to which he could adduce sufficient evidence that they were by no means consonant to the sentiments of the counsel, and to the high-toned cry of the Company relative to their flourishing condition. With regard to the confederation mentioned by the last noble lord, and his allusions to the right hon. Secretary, he declared that such arguments were altogether beyond his comprehension, for he would connect himself with no party that had not the good of the public in view; and he wished that the noble lord would be more circumspect, before he attempted to asperse the character of any man. He knew very little of the right hon. gentleman alluded to, as he had been seldom in his company; but this he knew, that some had sounded his praise, and he believed very justly, as his abilities were known and highly respected throughout all Europe. The noble duke concluded with saying, that as it was universally allowed that nothing but decisive measures would do for India, they ought to take this Bill into the committee, as the only decisive measure which had been proposed.

The Earl of *Sandwich* observed, that it was allowed that something must be done for the salvation of India; and that something, he said, he conceived, would be done by the Bill before them. He would confine his observations to three points; 1. To the bankruptcy of the Company; 2. To the universal acknowledgment that something must be done; 3. To the matter of fact, that the Company had shewn themselves unfit for the government of the British possessions in Asia. When it became necessary for the Company to say to their creditors, that they could not indeed go on any longer to pay ready money, but that they had still valuable effects, which at an auction would bring a valuable sum; when they said farther, unless you speedily furnish us with a sum of money to carry on our business, all must go to wreck: what was this but to confess that they were bankrupts? The governor-general of Bengal had wrote home to government, pressing them, in the most earnest manner, to advance for the service of the Company 600,000*l*. The state, therefore, had a right to look after its own

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interests. It was in the situation of a creditor who should say to a debtor possessed of a landed estate, "you owe to me a large sum of money; your steward is suffering your affairs to be more and more involved, they must therefore be put into management, for the payment of your just debts." In like manner, the Company's property must be secured for government. It was no new thing, even without so good a reason, for the state to violate charters: witness the Bill for preventing custom-house officers and excisemen from voting in the election of members of parliament. The necessity of interfering in the conduct of the affairs of India was universally acknowledged. The directors themselves, for some years back, had been sensible that the impolitic wars which had been entered into by the Company's servants abroad, were precipitating the fall of their power in India. They instructed them to forbear all bloodshed in vain. The impunity of lord Clive, a great name, and which he did not mean to traduce—the impunity of lord Clive had taught the Company's servants to do just what they pleased in Asia. For what was said to that noble lord? You have done wrong in transgressing the orders of the Company; but by your transgressing them, you have rendered the most important services to your country. It was evident to the directors and to all the world, that their servants would continue to do just what seemed good in their own eyes, and that plunder must continue even to increase, and, with plunder, the disaffection of the natives of Hindostan. His lordship spoke facetiously of the heterogeneous body of which the proprietary of the East-India Company was composed: Christians, Jews, Mahomedans, Papists, Protestants, Pagans, merchants, land-holders, artificers—so motly a collection was not likely to deliberate with such unanimity and wisdom, or to act with such promptitude and vigour, as to govern an empire on the other side of the globe, and to effect greater things than Alexander, Carthage, Rome, Spain, France, or a power which, from delicacy, he would not now name, had been able to accomplish. He was astonished that the Company should presume to set up their own talents for government in competition with those of parliament. Exceptions, he understood, were made to some of the commissioners proposed in the Bill. Would they themselves have appointed more unexceptionable directors? Let us judge from experience: let us compare the parliament's governors with the governors of their appointment. They encouraged a prince of India, the nabob of Arcot, to conquer countries, and furnished troops for that purpose, that they might share in the spoil, or rather that they might enjoy the whole spoil. In his name they conquer provinces, and the plunder amassed in his treasury, they considered as their own. For although they gave out that he was under their protection, he was in reality under their foot. It became a part of their policy, since they proposed to make use of the son and heir of this prince as an engine of government, to give him a suitable education. Here, then, was an occasion, on which the Company, or the servants of the Company, were to display all their political wisdom; they were to take the most important step that could be conceived; they were to appoint a governor to the young prince, to appoint a person who should instil into his mind all those principles and sentiments that might become a subordinate prince, and teach him to consider his own interest as connected with those of the English. What wise man, or number of wise men, do your lordships think they fixed on for so great and arduous an employment? Why, they fixed on an old woman! His stepmother, Munny-Begum, as she was called, was the person to whom the charge of this young prince's education was committed. Now, said his lordship, it is to be noted, that the women in Asia are not in the same circumstances with women in Europe. The Asiatic ladies are not used as men; they do not receive the education of men, and are never employed in the occupations of men. They are confined to the Seraglio or Haram, and used only as instruments of propagation and pleasure: increase and multiply is almost the only law they know or care to obey. I remark these things, continued his lordship, in order to do justice to European, and all women. I do not insinuate that ladies are unfit for the duties of men, naturally, or through want of capacity. Many of your lordships, I dare say, can attest how fit the female capacity and character is for government; and, if from domestic we pass to political concerns, Europe at this moment beholds a lady wielding with dignity and great glory the imperial sceptre. Another princess treads in the footsteps of the empress *non longo intervallo*. The

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women are not of an inferior capacity to the men; but, where they receive an equal education with the men, rather superior to them in skill, address, and in every occupation or employment of life. Let it not, therefore, be supposed that I speak injuriously of the sex, when I said that Munny-Begum, from the customs of her country, was a very extraordinary governor for a prince. The consequence was what might have been foreseen: the treasures were dissipated, and the education of the prince totally neglected. The noble lord, with great humour, read a report of some of the Company's servants to that purpose: "We found the prince," said they, "not of a weak capacity, but totally ignorant. He knew nothing. His governess, Munny-Begum, had been wholly inattentive to his education; and so far from making him acquainted with men and things, that she suffered no person to come near him." From this comic, lord Sandwich passed to a very tragic scene. In order to impress on their lordships minds a sense of the miseries which the hand of injustice and rapacity inflicted daily on the helpless sons of the East, he read the following letter to Mr. Hastings from the nabob of Oude, a country equal in extent to England, superior in fertility, and not greatly inferior, after all the Company's depredations, in culture and population: "When the knife had penetrated to the bone, and I was surrounded with such heavy distresses, that I could no longer live in expectations, I wrote you an account of my difficulties. The answer which I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the council, that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined. As I am resolved to obey your orders, and directions of the council, without any delay, as long as I live, I have, agreeably to those orders, delivered up all my private papers to him (the resident), that when he shall have examined my receipts and expenses, he may take whatever remains. As I know it to be my duty to satisfy you, the Company and council, I have not failed to obey in any instance, but requested of him that it might be done so as not to distress me in my necessary expenses, there being no other funds but those for the expenses of mutseddies, household expenses, and servants, &c. He demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped the pensions of my old servants for thirty years, whether sepoys, mutseddies, or household servants, and the expenses of my family and kitchen, together with the jaghires of my grand-mother, mother, and aunts, and of my brothers and dependents, which were for their support. I had raised 1,300 horse, and three battalions of sepoys, to attend upon me; but, as I have no resource to support them, I have been obliged to remove the people stationed in the mahals (districts), and to send his people (the resident's people) into the manas; so that I have not now one single servant about me: should I mention to what farther difficulties I have been reduced, it would lay me open to contempt." The noble earl, in conclusion, hoped that noble lords would not be frightened by the speeches that were held up to their view by lawyers, who came to their bar on purpose to exhibit only one side of the question; but that, recollecting the necessity of extending relief to the Gentoos, and preserving, by a decisive and liberal plan, her most valuable possessions to Great Britain, they would suffer the Bill to go into a committee.

The Duke of *Richmond* argued, that a strict adherence to justice, good faith, and the spirit of the constitution, was the very first political end they ought to have in view. If charters, according to the libel of the day, were only bits of wax appended to pieces of parchment, where was the man that could pronounce his property safe? But if his property was not safe, where was the advantage of living under, and where the obedience due to government? A noble lord near me says, that the property or interest of the state, and that of the East India Company, are embarked on board the same vessel. The property of every man, and that of the state, is embarked on board the same vessel. The property of every man is the property of the state, and the good faith and preservation of the state is the property and interest of every man. And as no man's property can be taken from him justly, without an equivalent, so neither can that of the East India Company. When a turnpike road is made to run through any man's estate, or farm, an equivalent is given. So it is in the case of canals. The northern gentlemen, when

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a proposition was made for equalizing the land-tax, said, "Oh! that would be the heighth of injustice; the proprietors of estates in the northern parts of the kingdom purchased them under the idea that the land-tax was to continue at the present rate." Now, although I never did, and never will acquiesce in that reasoning, with regard to the land-tax, yet it is good when applied to the charter of the East India Company. The proprietors of India stock bought into those funds, in the faith that the charter granted to the Company two years ago, was to be preserved inviolate. Their patronage, their disposal of places, and their contracts for shipping and other articles, were really a part of their property conveyed to them expressly by their charter. As to the alleged bankruptcy of the Company, it had not been proved. The noble earl who affirmed that it was proved on the face of the papers produced yesterday, should recollect, that other calculations, other papers of equal authority, disproved that assertion. Indeed, it was impossible for that House to enter into those nice calculations that must be entered into before it could be determined whether the Company were bankrupts or not. It was but just that a small committee of the House should be appointed to sit, to inquire into the affairs of the Company, before a commission of bankruptcy should be issued against them. After personal liberty, private property was first under the protection of the law. If the Company have committed acts that warrant a forfeiture of their charter, why not try them before a court of judicature? If they are guilty of criminal offences, let them be arraigned as criminals. The interference of the legislature, he insisted, was, in such case, an infraction of liberty; and though some cases might warrant the interference of the legislature, yet that this was not one of that nature. A noble earl (Carlisle) had said, that the Bill meant not, and that he meant not, to criminate any man; but if he meant not to criminate, why inflict punishment? Accusation ought certainly to go before punishment.—As to increasing the influence of the crown, he thought it clear, that it would not have that effect, in the first place at least. But it would throw a dangerous degree of power into the hands of the minister, or ministry. Of the first mover, the author of that Bill, he would say but little on the present occasion. He was his relation by blood, and he had long been connected with him by political sentiment. Although he differed from him at present in politics, and could not approve his public conduct, in private life he had ever found him faithful and affectionate. But he confessed, that power begot abuse of power; and he was unwilling to intrust an unconstitutional degree of power into the hands of any man, or set of men whatever. But, however this Bill might tend to increase the influence of an individual, his principal objection to it, considered in this light, arose from the dangerous innovation it made in the constitution, by confounding the powers of government, and by giving to a branch of the legislative, a part of the executive power. This Bill placed the government of India in the hands of the Commons, and their lordships need only recur to Holland to remark, how improper a democratic assembly was to manage the execution of public affairs. He was against the Bill going into a committee; no amendments or alterations could be effected to rectify what was in itself wrong *ab initio*. A vast continent in India was to be governed by seven commissioners, resident in Britain, who were to transmit their orders to officers appointed in India to carry them into execution. But he appealed to their lordships, if orders, which were exceedingly proper at the moment they were given, might not be highly the reverse at the moment of execution? No orders were, in fact, to be implicitly obeyed; and on every trial for disobedience of orders it had always been inquired, whether such disobedience was necessary or not. He needed not to remind their lordships of a recent transaction at Saratoga. Here it was disputed, and remained to that moment a doubt, whether general Burgoyne's orders were peremptory or discretional; but there were men who knew the general, and knew also that the misfortunes of that expedition arose from the want of discretion. Besides, he saw nothing in the Bill by which the new commissioners were invested with powers superior to those of the old directors; nor did he see why the power vested in the commissioners might not as well be confided to the directors. What was there in these directors to make them more competent to the task of government, than those who then held the office, except it was a merit that they knew nothing of the business? This sort of office we had had experience of before; the war in Flanders,

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under John Duke of Marlborough, owed its numerous impediments to the mismanagement of the commissioners who were appointed to provide for its operations. The conduct of the court of directors had been reprobated in almost every instance, and yet two of these very directors were now appointed in the new commission. Two of these people, whom they wished to represent as delinquents, without establishing a single fact in proof of the charge, were now in the number of the elect to instruct their brethren in the arts in which they were accused of being so very defective. The evidence, his grace contended, was partial and insufficient; and that it was absurd to imagine that their lordships could derive an adequate information from a few papers laid upon the table by a member who was professedly an advocate for the Bill. If a full investigation of the Company's affairs was required, and without such full investigation it would be the heighth of injustice to deprive them of their property, and annihilate their charter, why not commit it to seven or eight members of the House; to a small committee; before which alone, and not before the whole House, so complicated a detail could be examined and inquired into with effect? To excuse the violation of the Company's property it had been urged, that there were two kinds of property; one positive, and the other qualified, in which the public had a share, or were interested. But his grace maintained, that there was no property in the kingdom but what the public had some degree of interest in; as it was only of the aggregate possessions of individuals that the public property consisted. He wished that their lordships would consider the evil tendency of the Bill; and, if they considered but for a moment, he was bold enough to think that such a measure would meet with the reprobation it deserved. He was afraid that ministry had found out their own weakness, and were resolved to fix themselves for ever, by trying if parliament would adopt such a system of reform. He was no enemy to reform, provided the objects of wisdom and of prudence were always held in view; but he could not give his consent to this measure, because it lost sight of all those grand and primary objects.

Lord *Walsingham* observed, that the Bill then before the House was a Bill which certainly took away from the proprietors of East India stock all management or interference in their own affairs. It tended, undoubtedly, to depreciate the value of their stock; because every proprietor of that Company had certainly a right to consider the share of patronage, which he heretofore enjoyed, as a part of the rights and privileges to which he was entitled, and that no lawful advantage, which the possession of his stock gave him, was to be forfeited, without delinquency fully proved against the Company. Admitting the necessity of the interference of government to be apparent, that interference should be such as the constitution of this country knows, and acknowledges. If the controlling power now enjoyed by ministers was not sufficient, or if the affairs of India were of such a magnitude as to require a new establishment, let there be appointed a third secretary of state; but let the patronage of the Company remain with the directors and proprietors. I contend, said his lordship, that if we touch that, we seize their property. Let this office be established, as it ought to be, under the crown. This country can know no other executive power but that of the crown. I hold this to be the first principle of our constitution; and when we establish any other power in the kingdom, we destroy the constitution. There is another point in which I differ most materially: the friends of this Bill contend, that the government of India should be in this country. It is impossible, my lords; you must govern India in India; and from the moment a contrary system is adopted, the loss of India will not be very distant. Do we not all know, that the powers of men's minds have been called forth in India, in a very wonderful manner, by the unexpected events which have transpired in that country? But the moment you prevent the government upon the spot from discovering and rewarding merit, the moment you fill up all offices in that country from this, those great efforts of the human mind, which have been exerted to our admiration and surprise, will appear no longer. Shall Mr. Hastings, or any other governor-general who may succeed him, be the judge of merit under his own eye; or seven men, at the distance of twelve thousand miles from the seat of action? With respect to the state of the Company's affairs, I think it prosperous, all circumstances considered; nor do I see how the seven new directors can fill their treasury any more than the twenty-four gentlemen who are to be re-

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moved. As to the mismanagement of the Company's affairs abroad, that, my lords, is a wide field.

I profess myself a great admirer of Mr. Hastings; but, my lords, I am not so enthusiastic an admirer of that gentleman as to suppose, that, in the twelve years of his government, there are no parts of his conduct reprehensible. But this, my lords, I will say, and with confidence, if that great man had been removed during the war, we should not now be disputing as to the mode by which we should govern India, because we should not have had India to govern. The noble earl (Sandwich) has given your lordships a long account of enormities committed in India, but he has totally omitted to state to your lordships the dates of the several transactions he has mentioned. He tells you, that Mr. Hastings (whose name, by-the-bye, the noble lord did not mention, though he professed to have a high opinion of him) appointed an old woman to be the guardian of the person of the nabob of Bengal during his minority; and this is represented as a strange act of absurdity, or something worse. But, my lords, Mr. Hastings assigned good and sufficient reasons for his choice. If a native of rank had been appointed, Mr. Hastings dreaded the influence it would give him in Bengal. If a near male relation, he feared for the nabob's life. The directors very warmly approved the choice, and the transaction happened in 1772. Whenever your lordships go into the whole of Mr. Hastings's conduct, you will find those parts which now appear reprehensible, very different from what they are represented. I speak with respect of the transactions in another place: but surely your lordships must allow, that the reports of the select committee carry upon the very face of them the strongest marks of partiality. To criminate Mr. Hastings, appears the sole end of each report; but, my lords, has his conduct been fairly represented? I wish, on some future day, to see him at that bar, when I am sure he will receive from your lordships a complete acquittal from all the charges, not brought, but insinuated against him. Look, my lords, to the great actions of Mr. Hastings and those who served under him. The campaign in Guzzerat, the capture of Ahmedabad and Basseen, the storming of Scindia's camp, and the other important events which have occurred during the Mahratta war, when the officer of Mr. Hastings's choice, general Goddard, commanded the British army, will adorn the page of history in future times. The separate army formed by Mr. Hastings to attack the dominions of Madajee Scindia: the capture of the important, and, till then, impregnable fortress of Gualior, by colonel Popham, is an event worthy to be recorded to the latest times. My lords, it is absurd to say that Mr. Hastings was the author of the Mahratta war. It began at Bombay: it was concluded in Bengal. The peace was disapproved of at home. Mr. Hastings was instructed to seize the fittest opportunity for breaking the treaty. The noble earl in the green ribbon has said, Mr. Hastings called the Mahratta war, his war. No, my lords, he never did; but he conjured Mr. Francis and Mr. Wheeler, as they threw the responsibility upon him, from a particular period, to permit him to conduct it, and the merit of the peace is all his own. The merit of relieving the Carnatic, to which we owe the preservation of India, is all his own. Sir Eyre Coote has confessed it. The merit of inducing the Nizam to remain neuter, and of purchasing the march of colonel Pearse's army through the Mahratta country, is all his own. The time will come, when these services will be acknowledged. When your lordships shall make the insurrection of Benares, or the state of the Vizier's country the subject of inquiry, Mr. Hastings's conduct will then appear in a very different point of view: allowances will be made for the difficulties with which the state was surrounded. We were the sovereigns of Benares, and Mr. Hastings had a right to exact military service from the zemindar. Do your lordships mean, that under no circumstances military service is to be exacted? If so, your empire in India may be short indeed. On such a tenure, no zemindar in India ever stood. It is in proof, from the evidence of captain Harper to the select committee, that Bulwant Sing, father of Cheyt Sing, always furnished his quota of military force to his sovereign in time of war, independent of the annual revenue he paid: we became the sovereign—we had a right to exact military service, and it was strictly consonant to the constitution of the Mogul empire.

My lords, if I view Mr. Hastings as a financier, how much reason shall I have to admire his conduct! When he arrived in Bengal in 1772, the Company owed,

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upon bond, 1,800,000*l.*: this debt he paid off. I respect the memories of the gentlemen who were sent to India in 1774, and died there; but unfortunate was it, indeed, for this country, that they so very early differed from Mr. Hastings, and carried their differences to so great a height: if they had not, Bengal would have been the first government in the world. Can there, my lords, be a greater proof of Mr. Hastings's knowledge of the revenues of Bengal than this? That he has actually increased them one million sterling, and preserved his own provinces in tranquillity, though war has desolated other parts of India. Let not your lordships be carried away by idle declamation; examine into facts, and you will find that Bengal is in a flourishing situation; and that, perhaps, no country has improved so much as that has done since Mr. Hastings governed it, though he came there only two years after a destructive famine, which had swept away above a third of the inhabitants of Bengal. Peace is now completely restored; retrenchments in expense have taken place in every department; and in a very few years our situation in India will be more flourishing than ever, if we do not ruin that country by the measures adopted in this. I know no man but Mr. Hastings, who can reduce your expenses, and pay off your debts in India. He will do it, I am confident, if he is properly supported from home; and therefore I cannot approve a Bill, which has for its object the removal and disgrace of so great a man, were my other objections, which are invincible, done away.

The Earl of *Derby* entered into a defence of the Bill. He endeavoured to obviate every objection urged against it. He stated various circumstances respecting the conduct of governor Hastings, which he supported by long quotations, from authentic records on this subject. He depicted the miseries of distressed nabobs, and their ruined families. Necessity, it was urged, was the cause of their miseries; but did necessity authorise such outrages on humanity? And was necessity, in the correction of these evils, to be reprobated as the foundation of this Bill? Here his lordship indulged in a pathetic declamation, and gave a detail of the transactions of Mr. Hastings with Cheyt Sing; he reprobated the conduct of the governor-general in the most pointed terms; and in a recital of the various transactions in the several presidencies up from the year 1763, he adduced the most glaring proofs of barbarity, cruelty, impolicy, and delinquency. Did not these things call for a new system? Better that we should be extirpated in India, than that we should go on as we had done for many years. The noble earl concluded with saying, that he saw how the Bill was to go; and it was an appearance which, in his mind, was most alarming to the independence of parliament; for without referring to any particular rumour, and without alluding to the name of any peer, he must say, that the circumstances attending that Bill, shewed that there had been an interference of a most unconstitutional kind. What else could there have been, when they saw, that, after members had pledged themselves in the most sacred and unequivocal manner to the support of this Bill, they should now change their opinion, and act against it? To what could such conduct be assigned, but an interference which their lordships ought to dread more than any calamity that could be derived from the operation of this Bill, admitting even that its operation would be as calamitous as it was stated to be? Better that the territories of India should for ever be lost to this country, than that an interposition should exist by which the independence of this House would be destroyed.

Lord *Camden* said, that he came down unsolicited, and unconnected, to deliver his candid and independent opinion on the Bill. He declared himself an enemy to its principle, for it was a most violent infringement of the property of the greatest Company in the world. It, in fact, deprived them of their property; for though, under the Bill, there was a specious appearance of the property being preserved for the benefit of the Company, yet, when it was considered that that property was to be put in trust, that it was to be managed by others, and that those who were to manage it, were neither to be appointed nor controled by the proprietors, their lordships would believe that it was, in fact, a deprivation of property: for if a steward, or trustee, was placed in the possession of their lordship's rents and rights, and that steward, or trustee, was neither to be dependent on, nor to be controled by them, would they imagine that they had any available property in their estates? It was the quality of property to be subject only to the owner; it changed its nature when he lost his authority over it. A person who had delivered his property

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over to the management of another, in trust, might, indeed, have a certain annual benefit from it; but he was not the independent possessor of his own property, for he could not convert it to his uses, nor take any advantage from it but his annual stipend. This Bill, therefore, pronounced either a commission of bankruptcy, or of lunacy on the Company: it pronounced them to be either unable, from want of property, to proceed in their trade, or from want of mental capacity. The only argument from this violent measure was, that of necessity; a plea which had been used by every minister, good and bad, and also by every king, for the worst and most atrocious acts that were ever perpetrated. Necessity was one of those terms which might always be used with or without meaning; but in this case nothing could be admitted as an argument but a great state necessity. Did such a necessity exist? He believed not, or, at least, it did not appear on the face of their proceedings, or on any of the grounds which had been exhibited. The Company were not proved to be in a bankrupt state: they had produced a statement of their finances: they had shewn, that by the calamities of war they had suffered a loss of several millions, in advantage of this country: they had shewn that their embarrassments were merely temporary; their creditors were not clamorous; their circumstances were not desperate. Nothing was more common in the contingencies of a merchant's fortune, than that, in a hard run upon his credit, he should call together his friends, expose his circumstances, and when his creditors found that his bottom was good, they should give him time, and rank him in the same solid estimation as before. This was exactly the whole of the Company's case. They wanted nothing but indulgence for a short time: they exposed their books to government for the purpose of convincing them that their credit was good; and no necessity appeared that justified the violent infringement attempted by this Bill. Did there exist a necessity of another kind? Were the present conductors of the Company's affairs incapable of managing them? He said they were not proved, by any evidence he had seen, to be incapable. Nothing had even been imputed of blame to the court of directors. They were acknowledged to have written their dispatches with the most sensible policy; and to have studied, pursued, and accomplished the real interests of the Company. But certain abuses were mentioned, and the conduct of Mr. Hastings was brought forward, to prove how shamefully the affairs of the Company had been administered in India. Without entering into the question of Mr. Hastings, who was, by-the-bye, the soul of our successes in India, he asked, if, when government interfered, they had been able to punish guilt more than the court of directors? He instanced the case of the persons convicted for the treatment of lord Pigot. When those men came into the court to receive judgment, they came with their pocket-books loaded with bank notes, and prepared with as much facility to pay 20,000*l.* as they paid 1,000*l.* Was this the instance by which the officers in India were to be taught that they were not to commit crimes with impunity? It was idle to talk of the guilt of the court of directors in such instances as these, when government had, in fact, given their countenance to every measure of the directors for many years past. Give the court of directors the power that is given by this Bill to the seven new directors, and try if then they will not be able to regulate the affairs of the Company in India. Free them from the control of the proprietary, and subject their dispatches to the perusal of ministers, and you will not be opposed by all men as acting the part of violators and destroyers of rights secured by charters. In no part of this whole business did there appear any other necessity for the Bill, but the necessity that ministers must keep their places. This was the only necessity which appeared; and that that was the only necessity which had given rise to the Bill, appeared from one clause in it; that which gave the minister the power of appointing to every office in India, great and small. The influence of the crown had been curtailed by certain Bills, and they required this Bill to supply the place of those acts which diminished the influence; and, indeed, it did in a most ample manner. He called the House to remember what efforts they had used to gain those points; and were they now to pass a Bill which granted more patronage than was possessed by almost any potentate in Europe? He spoke of the marquis of Rockingham's steady perseverance in the doctrines of Whiggism, and lamented that some of those who called themselves his friends, should now favour a system so inimical to that which it had been the labour and end of that great man's life to establish.

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Earl *Fitzwilliam* entered at length into the arguments for the Bill; and to shew that the Company's finances were such as to call for the immediate interference of parliament, he enumerated a variety of objections to the statement of their affairs, pointing out the fallacies of their account, and shewing that they were not only in great and urgent necessities, but that, without the present interposition, they must be precipitated to ruin. He referred to what the noble lord had said of the principles and purity of the marquis of Rockingham. He paid him the warmest compliments; yet, that noble lord was always against the unnecessary and corrupt influence of the crown. He had constantly been for the diminution of the power of corruption; but was he an enemy to stable and permanent government? No; as he wished for order, for regulation, for peace, and all the comforts of a government soundly administered, he wished to see administration supported by fair, public, and responsible influence. If that noble marquis had perceived the sort of influence which was now but too apparent, he would have condemned it with more energy, with more determination, and considered it with more alarm than he could express in words. His mind, filled and actuated by the motives of Whiggism, would ill brook to see a dark and secret influence exerting itself against the independence of parliament, and the authority of ministers.

Lord *King* spoke against the Bill, and with considerable heat demanded, if, as it was said that certain peers were influenced by secret and unavowed means, he was ranked among the number? He dared any man to say that he was dictated to in his opinion on this or upon any other occasion.

Lord *Gage* opposed the Bill on the same independent ground. He had connexions with no ministers: he had received favours from none since the days of his friend the duke of Newcastle. He had no objections to reform; but he never would consent to the infringement of public charters.

The Earl of *Radnor* considered the several arguments deduced for or against the Bill, from the constitution, state, and finances of the Company, from the conduct of the directors, the control of the proprietors, the behaviour of the servants abroad, or the state of the government of the Indian territories, to be infinitely undeserving of consideration, compared with those which related to the effects the Bill would have at home. The government of territory at such a distance, by a set of merchants, and they perpetually changeing, was an absurdity: but, such as it was, it was carrying on under the eye of ministers, who, in many instances, already had a right, and in many more, at least, would have been enabled by parliament to interfere in political matters. But if such a government was absurd when carried on by merchants, would it be less so when vested in any other set of private men? Would it be less exceptionable in a constitutional view? Would it be less an *imperium in imperio?* In fact, it was perfectly well known, that for reasons intelligible to every one, but which could not be pointed out there, the very intention, scope, and purport of this Bill was to erect, not *imperium in imperio*, but *imperium contra imperium*. He had been an enemy to the influence of the crown, and had promoted several measures which tended to check and lessen that influence; but he would never set up another influence to counteract and balance it. He had favoured the plans which prevented the patronage of the crown from affecting the independence of parliament; but he never would be for issuing against the wearer of that crown a commission of infancy, and of forming, after the models of Indostan, a British pageant of royalty and insignificance. He was a friend to the form, as well as the spirit of the constitution, and lamented the want of responsibility contrived by this Bill. He wished to know why it was so framed, except that, in plain truth, the minister who planned it meant, by getting all this patronage, to hold the situation, which he affected to retain by the good pleasure of the crown, in defiance of it, without being answerable for the consequences of mismanagement or ill success. He said, the duty of the peers was equally to defend the just rights of the crown and the liberties of the people. The effect of this Bill would be probably fatal to the freedom of election; unquestionably so to the independence of parliament. It would be also derogatory to the simplicity of the constitution and the honour of the sovereign, by investing certain of his subjects with a dignity, a lustre, and a patronage equal to the sovereign's; and therefore he should vote decidedly against the Bill.

The Bishop of *Salisbury* rose, while

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lord Mansfield was putting the question; and some lords objected that the question was put, on which the bishop said, he was in the judgment of the House whether he was within the strict order of their lordships proceedings or not; and he should abide by the decision of the noble lord on the woolsack. On lord Mansfield's nodding assent, the bishop went on. He observed, that if he was on the verge of irregularity, he trusted he should obtain their lordships forgiveness, when they were apprized of the motive which had rendered him so tardy in rising. He had hoped that some noble lord, whose rank, whose connexions, and whose talents, gave his sentiments a weight, to which, on none of those grounds, he had the least pretensions, would have stated to their lordships an idea, which had forcibly struck his mind in the course of this debate. He considered the Bill under their lordships discussion, as exceptionable in many of its parts; but one of them, if not done away, as an insurmountable barrier to its being passed. The part to which he alluded, was that which, in a manner unexampled in the records of regular parliaments, vested the nomination of the new directors in the legislative, wresting it out of the hands of the executive branch, where the constitution placed it. This was such an infringement of the legal prerogative of the crown as he could never consent to. On principle, he revered the crown; he admired the virtue of the prince who wore it, and he felt the warmest gratitude for the unremitted favours which that prince had conferred upon him. He must therefore resist the commitment, unless some lord, high in office, would give assurance that ministers would not oppose the amendment of that clause in the committee. Were such an assurance given, he was ready to vote for the commitment; was it withheld, the Bill should have his decided negative. Three noble lords, who had spoken with the most distinguished ability against the Bill, had admitted the necessity of some regulations in the East India Company. How were those regulations to be established, but either by a new Bill, or committing the present? The advantages of the latter were obvious. He could not, therefore, but hope their lordships would consent to the commitment, on the condition he had stipulated. It might there be so amended, so new cast, as to give satisfaction to all parties. The bishop said farther, that what he had hitherto urged, was not the only ground on which he had formed the opinion he had presumed to give; but he thought the commitment wise and proper, as a decent respect to the House of Commons, which had passed this Bill by a majority of 114. Zealous for the dignity of that assembly, of which he had the honour to be a member, he could not but feel an anxiety that it should on this, as on all occasions, preserve that dignity, and proceed with this Bill, as they uniformly did with all others of such magnitude and importance, which came to their lordships House so circumstanced as this Bill was. He wished to alleviate, not to increase heats. He pretended not to know what, at that moment, was agitating elsewhere. He was attached to every part of the constitution. As a friend to this country, he could not but wish that such a mode of conduct might be pursued, as, by committing the Bill, would expunge all that was unconstitutional, amend all that was faulty, and insert such regulations as would restore to the crown its just rights, and introduce such a temperate reform in the management of the Company's affairs, as every dispassionate man must allow that the present state of the Company demanded.

The question, "That the Bill be committed," being put, the House divided: Contents 57; Proxies 19—76: Not Contents 75; Proxies 20—95: Majority against the commitment 19. The Bill was consequently rejected.*

Debate in the Commons on the Report of the King's Opinion respecting Mr. Fox's India Bill.] Dec. 17. As soon as the Speaker had taken the chair,

Mr. *Baker* rose. He said he had something material to lay before the House, which required their most serious attention; and in order to give the greater solemnity to their deliberations, he moved, "That the serjeant at arms do go with the mace into the Speaker's chambers, the court of Requests, and places adjacent, and summon the members there to attend the service of the House."

This motion was carried, and the serjeant accordingly departed with the mace. Having executed his commission, and laid the mace upon the table,

* The Prince of Wales, who was in the minority in the former division, having learned in the interim, that the measure was offensive to the King, was absent on this occasion.

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Mr. *Baker* rose again. He observed, that if a private loss ever was productive of public good, the domestic loss of Mr. Speaker, in which he sincerely sympathized with him, was unquestionably of that nature; as by having caused an adjournment of a couple of days, this circumstance had given gentlemen time to reflect seriously on the very alarming report that had been for some days in circulation relative to a conference which a noble lord had with a great personage, and the opinion that was said to have been expressed by the latter, of the Bill which that House had sent up to the Lords, for vesting the affairs of the East India Company in certain directors. At present it was supported on no better authority than that of a rumour, but it was a rumour of too serious and too alarming a nature to be passed over unnoticed. The wisdom of our ancestors, in framing the constitution of this country, when it vested the legislative authority in three different branches, most judiciously intended that they should be independent of the others; each left to its own judgment, unbiassed and uninfluenced. But it would be to no purpose that the power of making laws had been most wisely distributed between King, Lords, and Commons, if any one of them should be able to influence both or either of the other two; as well might the influenced branch be dismembered from the legislative body. Now, in his opinion, the report to which he alluded had a direct tendency to create that bias which the constitution abhorred, and to unhinge the frame of our government. To say that the King was an enemy to any particular measure then under consideration of parliament, could have no other tendency, no other object than to prevent persons from voting according to their judgment, and to influence them to vote solely from the dictates of their hopes or fears. He would not say that any noble lord had spread such a report; he could not say who had spread it; but certainly it had been spread; and it was the duty of that House to express its abhorrence of it, be the author of it who it might. Peers of parliament were called the hereditary counsellors of the crown; but the very essence and spirit of the constitution would be done away, if any one of them should be permitted secretly to give advice to his Majesty, and that such advice should be followed. It was sound constitutional doctrine, "that the king can do no wrong;" the reason was obvious; if his Majesty should unfortunately happen to give sanction to measures by which the constitution should be ruined or endangered, his ministers were responsible to the public, and upon them all the blame would rest. But what would be the consequence if a king should act by the advice of a person not his minister? It would be this; the king could not be responsible, his ministers could not be responsible, for things done without their advice or knowledge; and thus that responsibility which was the life of the constitution, would be taken away; and with it, the principal check that the public have upon the crown. Surely, therefore, it was the duty of that House, as the guardians of the constitution, to stand forward, and preserve it from ruin; to maintain that equilibrium between the three branches of the legislature, and that independence without which the constitution could no longer subsist. They had ever been jealous of the smallest interference of one branch with the deliberations of another; and he hoped that jealousy which had hitherto supported their independence, and which, he trusted, would ever support it, would prompt them to concur with him in two propositions, which he should take the liberty to submit to them. But first, he moved that the resolution of the 12th of November 1640, be read; which was accordingly read. It appeared that the House had agreed to it, in consequence of notice that had been taken in a speech from the throne of the conduct of the House in debates upon a Bill relative to the impressing of seamen, which the House conceived to be a breach of privilege. He moved next that the resolution of the 16th of December 1641, be read. This resolution was adopted in consequence of some expressions dropt in a debate by Mr. Comptroller, by which he intimated that his Majesty would not be pleased if the Bill then in question should pass. This was conceived to be a direct attack upon the freedom of debate, and a very alarming breach of privilege. Mr. Baker did not mean to say, that the case of the rumour to which he alluded, was exactly similar to those which had been just read from the Journals; but the House would see from them how jealous their predecessors had been of any thing like an attempt to bias either House of Parliament in their deliberations. With respect to this rumour, he would go so far

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as to say, that, true or false, it had produced very dangerous effects; for he understood that some noble lords, in consequence of it, had taken their proxies from those to whom they had before entrusted them, and given them to noble lords who were known to be hostile to India. He concluded by reading the two following Resolutions: 1. "That it is now necessary to declare, that, to report any opinion, or pretended opinion, of his Majesty, upon any bill, or other proceeding, depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honour of the crown, a breach of the fundamental privileges of parliament, and subversive of the constitution of this country." 2. "That this House will on Monday next resolve itself into a committee of the whole House, to consider the state of the nation." Having read the Resolutions, Mr. Baker moved the former.

Lord *Maitland* seconded the motion. He said that the question now was not whether this Bill or that Bill should pass; whether this measure or that should be preferred; but whether the very constitution of the country should be dissolved or preserved. The very life-blood of the constitution had been aimed at; that responsibility which alone could enable that House to drag criminals from the foot of the throne, that responsibility was to be taken away, if that House did not rise up to defend it. If responsibility was once removed, where could a criminal be found? Not on the throne, for the king can do no wrong; not in administration, for where they are not consulted, they cannot be responsible. That House, therefore, must suffer every measure, however injurious it might prove, to pass unnoticed, if they did not stand forward and maintain that constitutional doctrine, which declares, that for every measure there shall be a responsible agent: it would be too late to assert that doctrine, if they omitted to express their detestation of the rumour which had been abroad for some days; a rumour, which, if true, ought to make every man shudder, who had a regard for his country, and invaluable constitution.

Earl *Nugent* was never more astonished in his life than with the Resolution now moved and seconded. It went, in his opinion, to an utter annihilation of all sovereignty in the country. What! were not peers, by their rank and situation, the hereditary counsellors of the crown? Would the House of Commons dare to derogate from that high and discriminating dignity which the constitution, for the wisest and best purposes, had appended to their station in society? He would go farther, and assert, not only that every peer had a right to advise with his sovereign individually, but that every member of that House, nay, every subject in the kingdom, under certain modifications, had a title to address his Majesty. The resolution was therefore calculated not only to convey a censure on the other branch of the legislature, to circumscribe the peers in the enjoyment of their independence, but to subvert the liberties of Englishmen, who were individually allowed by the constitution to petition the throne on whatever appeared to them of importance enough to justify such a measure. But not only does this motion, said he, go thus far, but it goes thus far without any foundation whatever. What are your allegations, and where are your proofs? I vow to God, such a motion as this will stimulate the other House to resent the conduct of this. If any individual is intended to be censured by this measure, speak out, and name him, bring him before you. What! would you suppress that good old English spirit, which will not be silent in the moment of danger? Is it the intention of this mode of proceeding to check those exertions which every individual is called upon to put forth in the crisis of public calamity, when innovations threatening every birthright we enjoy, are brought forward under the strong hand of authority? Do you mean to keep the few virtues, which would yet stem the torrent of national ruin, in awe, and at a distance from the only ears that may listen to them with success? I vow to God, Sir, were any relation, dear to me or mine, to be found in such a crisis as this, capable of advancing such bold truths to the royal father of his people—were a person under such a description to be brought before you, and receive condign punishment, I should think it, in common with all his friends, a triumph, which would be his glory to the latest posterity.

Mr. *W. Pitt*, who had risen at the same time with lord Nugent, hoped the noble lord would attribute his then getting up to no other motive than that common one which actuated them both, a due attachment to the constitutional independence

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of parliament, and the unalienable right of peers, either individually or collectively, to advise his Majesty, whenever they thought the situation of public affairs made such a step an essential part of their duty. The very singular and solemn mode of introducing this most extraordinary resolution, the formality of summoning the immediate attendance of the members, and above all, the personal character of the hon. gentleman who made, and the noble lord who seconded the motion, were circumstances which strongly impressed his mind with its necessity and importance; otherwise, when the matter was licked into its proper shape, and divested of every superfluous appendage, it appeared to him the most unnecessary, the most frivolous and illtimed that ever insulted the attention of the national senate. He asked, whether gentlemen had adverted to its foundation and object? Did it contain any specific charge? No. Was it directed to any decisive issue? No. Was it founded on any positive facts, either proved or stated? No. What, then, was the House to make of such a proposition? Could they adopt a measure which came in a shape thus questionable, without maturely weighing the consequences? Upon what was the mighty grievance complained of supposed to depend? Not on any misdemeanor substantiated to the satisfaction of the House by any sort of evidence whatever, but on the vague surmises or lie of the day. The monster, public report, which was daily and hourly fabricating every species of the grossest absurdities and improbabilities, was thus made to intrude on the national business, and arrest the attention of the House of Commons to follow her through all her shapes and extravagancies. Could any thing be more perfectly ridiculous, or a greater sarcasm on that serious and dispassionate dignity of mind, which ought to attend and discriminate all their parliamentary proceedings? Surely no such importance was ever before imparted to mere rumour and hearsay: for, were it really the duty of parliament to take up rumours wherever they were to be found, the House might at least find enough of employment. Happily for ministers their rumours were all sanctified by the authority of office: this was the stamp which was to give them currency. But might not those of every size, complexion, and shape, be every where seen, on every occasion, stalking openly, and menacing the freedom and birthright of Englishmen, under every form and by every means? Influence had been ascribed to rumours of a certain description, which whether true or false he would not say; for he did not know but there was such an influence on the other side, which, according to rumour, was also used, and therefore equally criminal. Let ministers answer for those scribblers who were employed at their instance, and even dared avow their authority for publishing things absolutely unfounded. Where was the man who dared to avow such rumours as had been in constant circulation ever since the introduction of the Indian business? Who could estimate their operation on the minds of the people, the state of public credit, and the dignity of government in the eyes of foreigners? Why were not resolutions founded on such palpable and obvious mischiefs as these? These all, more or less, originated in rumours, which however were suffered to pass with impunity, and to expire unnoticed. But rumours, big he would say with no such consequences, were however to be marked with the indignation of parliament. He trusted the dignity of the House, the common sense which had always distinguished its proceedings, and the honour which gentlemen owed to their own professions, would not, on this occasion, suffer any thing so frivolous and contemptible to slur the annals of a British senate. The hon. mover had talked much about secret influence, and asked how ministers were to act when thus circumstanced? In his opinion, the servants of the crown were worse than useless, whenever they were without responsibility. For a situation thus dangerous and unconstitutional they were, indeed, strictly answerable. Their duty, in a situation thus dishonourable and inefficient, was therefore obvious and indispensable. The moment they could not answer for their own measures, let them retire. They were no longer fit to occupy stations which they did not adequately fill. He concluded by moving the order of the day.

Lord *Mahon* seconded the motion. He began by charging Mr. Secretary Fox with an utter desertion of all principle. He reprobated his East India Bill as the worst and most obnoxious that ever challenged the attention of parliament, or roused the indignation of Englishmen. His whole speech was a personal attack on the conduct of the party who adhered

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to Mr. Fox, whom he reprobated as abandoning the public for private interest. He referred particularly to the conduct of a noble duke in the other House, whose words he had taken down, and which were, that "he had authority to say, that no man was authorized to make mention of the royal opinion in the sense in which it had been rumoured." This, he averred, that noble duke had no right to assert; and he stated it to be as improper an influence on one side, as that which had been insinuated on the other. It was at midnight, he said, that this had happened, and midnight only was a fit season for such a conduct, as it was an evident intention to bias the minds of those who were entitled and bound by their consciences to exercise their discretion on every question which came before them.

Lord *North* said, that the noble lord had blamed a noble duke for doing what appeared to him his immediate duty, and the duty of every one who filled so responsible an office. A rumour had been stated, reflecting very much on the character of the sovereign, and tending not a little to embarrass government. How was he to counteract that rumour? Was he to let it pass unnoticed, and possess undisturbed all its effect on the minds of those for whose credulity it was calculated? Or had he any other way of defeating its intention, than by denying its reality? His lordship then applied himself to the several arguments urged by Mr. Pitt, which he went through with infinite energy and wit. He contested the propriety and necessity of the motion, on constitutional principles. It was competent for that House to institute an inquiry into whatever affected the freedom of debate, and to take what resolutions in consequence that they might think proper. The responsibility of ministers was the only security which Englishmen had against the abuse of the executive power. This destroyed, their fears were justly roused; and who could say how strongly these might operate, or where they might end? But it had been said by the hon. gentleman, that the conduct of ministers, under such a predicament even as this, was obvious; whenever they found themselves destined to act under undue influence, they ought to leave their situations; and who, said he, would act so mean, so base, so despicable a part, as, after such an intimation as this, to continue in office? Such a mode of reasoning his lordship admired, as peculiarly proper in the very critical situation of the hon. gentleman! It was only that one member, in one House, should publish such a rumour as had been so frequently mentioned, and another, in the other House, push ministers home. The game thus managed was sure, and the play required no very uncommon dexterity. He would presume, however, to advise the hon. gentleman to act with a little more patience and decency. Ministry, he trusted, would act as they ought to do; but he would not now say how: only he was at liberty to assure the hon. candidate for their places, that they would not retain their situation any longer than they could act in it with responsibility and effect. This, he trusted, was the determination of all who acted with him.—His lordship said, he had heard much in his time of secret influence. He never saw any thing like it, otherwise he should undoubtedly have relinquished his situation. But this rumour, which had merited such a marked reprobation, had all the appearance of it. A Bill had been brought into parliament, and thoroughly discussed. No evidence was insisted on by the counsel to disprove the spirit or expose the tendency of the Bill; but the whole business went on smoothly and without molestation, till the Commons presented it to the other House. There it appeared under the sanction of one of the fullest and most independent majorities that ever accompanied any measure whatever. The counsel came forward loaded with new evidence; and lest all this should not be enough, rumours were industriously propagated, in order to discredit the measure, and destroy it by that very influence, which, if lawful at all, ought only to be exerted when there was a responsibility.—After putting these facts in a strong point of view, his lordship contended for the propriety and necessity of the motion: and this he did the more especially, as he had been charged, on former occasions, with indifference to the constitution. Had he been silent when such a gross violation of it had met with countenance, he should have thought himself culpable indeed. For what was the influence of the crown, against which, on former occasions, all these gentlemen had divided against him, and for which he had then deemed it his duty to contend, in comparison of a principle which, once established, would bury, in one grave, all the privileges of parliament, and the rights of

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the people? He should therefore give the resolution now proposed his most sincere and hearty support.

Mr. W. Grenville was much astonished at the motion. He reprobated a measure which had no proof to support it. He desired that ministers would not speak mysteriously; that they would speak out. If any crime had been committed against the state or constitution, it was their duty to bring the offender to justice, and to acquaint the House with the offence. They were bound to bring a charge; they were bound in duty to the public, because they ought not to suffer a delinquent to escape with impunity; they were bound in duty to the supposed delinquent, because his character ought not to be whispered away; but an opportunity ought to be given to him, by stating to him his crime, to enter into his defence. In the name, therefore, of the public, he called upon them to state the specific charge; in the name of his noble relation, he challenged them to do it.

Mr. *Fox* spoke to the following effect: —I did not intend, Sir, to have said any thing in addition to what has been already urged so ably in favour of the resolution now agitated. In my own opinion, its importance, propriety, and necessity, are completely and substantially established. A few particulars, suggested in the course of the debate by gentlemen on the other side of the House, may be thought, however, to merit some animadversion. And, once for all, let no man complain of strong language. Things are now arrived at such a crisis as renders it impossible to speak without warmth. Delicacy and reserve are criminal, where the interests of Englishmen are in hazard. The various points in dispute strike to the heart; and it were unmanly and pusillanimous to wrap up in smooth and deceitful colours, objects which, in their nature and consequences, are calculated to fill the House, the public, and all the world, with a mixture of indignation and horror.

This, at least, hath made such an impression on my mind, that I never felt so much anxiety; I never addressed this House under such a pressure of impending mischief; I never trembled so much for public liberty as I now do. The question before the House involves the rights of parliament in all their consequences and extent. These rights are the basis of our constitution, and form the spirit of whatever discriminates the government of a free country. And have not these been threatened and assaulted? Can they exist a moment in opposition to such an interference as is supposed by the resolution, as has been stated by several hon. gentlemen, to have taken place? No: human nature is not sufficiently perfect to resist the weight of such a temptation. When, therefore, shall the House assert its dignity, its independence, its prerogatives, by a resolute and unequivocal declaration of all its legal and constitutional powers, but in the instant of their danger? The disease, Sir, is come to a crisis; and now is the juncture which destines the patient to live or die. We are called to sanctify or oppose an absolute extinction of all for which our ancestors struggled and expired. We are called to protect and defend, not only the stipulated franchises of Englishmen, but the sacred privileges of humanity. We are called to protract the ruin of the constitution. The deliberations of this night must decide whether we are to be freemen or slaves; whether the House of Commons be the palladium of liberty, or the organ of despotism; whether we are henceforth to possess a voice of our own, or to be only the mere mechanical echo of secret influence. Is there an individual, who feels for his own honour, callous to an apprehension of such a consequence as this? Does not every regard which he owes to a body who cannot be degraded without his disgrace, who cannot expire without involving his fate, rouse his indignation, and excite him to every exertion, both in his individual and delegated capacity, which can reprobate, suspend, or destroy a practice so inimical to public prosperity, as well as hostile to the very existence of this House?

But what is this resolution? It has been called, with great technical acuteness, a truism, which seems as incapable of discussion as it is of proof. The foundation of it, however, is a matter of such general and palpable notoriety, as to put every degree of scepticism to defiance. Rumours of a most extraordinary nature have been disseminated in no common way, and by no inferior agents. A noble earl is said to have used the name of majesty with the obvious and express intention of affecting the decisions of the legislature concerning a Bill, of infinite consequence to thirty millions of people, pending in parliament. The nature of this debate will not allow me to avoid the mention of names. The reality of reports circulating, and operating to a certain degree, is equally admitted

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on all sides of the House. The arguments urged to defeat the use which is made of this fact by the resolution under discussion, are far from contradicting its veracity. No: its validity is supposed; the consequences only, which we impute to that circumstance, are disputed. No man has yet ventured, or dares to venture, to stand forth, and say, in so many words, that it does not exist. This would certainly finish the contest much to the honour of the nobleman concerned, but still more to the satisfaction of this House and the tranquillity of the public. His hon. relation, who dares the House to a specific charge, leaves that whole load of suspicion and crimination on the character he would defend, unbroken, undiminished, and unequivocal. This may not be so much owing to a consciousness of delinquency, as a sentiment of pride: pride is the passion of little, dark, intriguing minds; and nothing but the truth of the charge can, in the present case, be more incompatible with every principle of rectitude and virtue. This rumour has been treated with a levity which amounts to a sarcasm or lampoon on the dignity of the House. But I will tell gentlemen it is not a newspaper, it is not a verbal surmise, but something much stronger and more serious; there is a written record to be produced. This letter (pulling it out of his pocket) is not to be put in the balance with the lie of the day. It states, that "his Majesty allowed earl Temple to say, that whoever voted for the India Bill, were not only not his friends, but he should consider them as his enemies. And, if these words were not strong enough, earl Temple might use whatever words he might deem stronger, or more to the purpose." Is this parliamentary, or is it truth? Where is the man who dares to affirm the one or deny the other? or to say, that he believes in his conscience such a rumour was not calculated to produce an immediate effect? It certainly tended, in the first instance, to vilify, in the grossest and most violent manner, the proceedings of parliament. It says to the public, that we are not equal to our trust; that we either ignorantly or wilfully betray the interest of our constituents; and that we are not to be guided in our decisions by their convictions or our own, but by that unseen and mysterious authority, to whom the sovereign, his counsellors and the legislature, are only the blind and passive instruments. Both Houses of Parliament are consequently parties in the contest, and reduced, by this unfortunate and wicked advice, to the predicament of a man struggling for his life. We are robbed of our rights, with a menace of immediate destruction before our face. From this moment, farewell to every independent measure! Whenever the liberties of the people, the rights of private property, or the still more sacred and invaluable privileges of personal safety, invaded, violated, or in danger, are vindicated by this House, where alone they can be legally and effectually redressed, the hopes of the public, anxious, eager and panting for the issue, are whispered away, and for ever suppressed by the breath of secret influence. A parliament thus fettered and controlled, without spirit and without freedom, instead of limiting, extends, substantiates and establishes, beyond all precedent, latitude, or condition, the prerogatives of the crown. But, though the British House of Commons were so shamefully lost to its own weight in the constitution, were so unmindful of its former struggles and triumphs in the great cause of liberty and mankind, were so indifferent and treacherous to those primary objects and concerns for which it was originally instituted, I trust the characteristic spirit of this country is still equal to the trial; I trust Englishmen will be as jealous of secret influence as superior to open violence; I trust they are not more ready to defend their interests against foreign depredation and insult, than to encounter and defeat this midnight conspiracy against the constitution.

The proposition of this evening is, therefore, founded on a fact the most extraordinary and alarming this country could possibly hear; a fact which strikes at the great bulwark of our liberties, and goes to an absolute annihilation, not of our chartered rights only, but those radical and fundamental ones which are paramount to all charters, which were consigned to our care by the sovereign disposition of nature; which we cannot relinquish without violating the most sacred of all obligations; to which we are entitled, not as members of society, but as individuals, and as men; the rights of adhering steadily and uniformly to the great and supreme laws of conscience and duty; of preferring, at all hazards, and without equivocation, those general and substantial interests which we have sworn to prefer; of acquitting ourselves honourably to our constituents, to

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our friends, to our own minds, and to that public whose trustees we are and for whom we act.

How often shall the friends of the noble earl, whom I have named, be called upon to negative the proposition, by vouching for him his innocence of the charge? Will any of them lay their hand on their heart, and disavow the fact in that nobleman's name? Let them fairly, honourably, and decidedly put an end to that foul imputation which rests on his conduct, and the House must immediately dismiss the report as idle and ill-founded. But, while no man comes honestly forward and takes truth by the hand, we must look to the consequence. This House must not lose sight of its rights and those of the community. The latter can subsist no longer than the former are safe. We now deliberate on the life and blood of the constitution. Give up this point, and we seal our own quietus, and are accessary to our own insignificance or destruction.

But how is the question, thus unsuccessfully put to the friends and abettors of secret influence in this, answered, when put to the noble principal in the other House? Is he ready and eager to vindicate his own character, and rescue that of his sovereign from so foul a reproach? No: but he replies in that mean, insidious, equivocal, and temporising language, which tends to preserve the effect without boldly and manfully abiding by the consequences of the guilt. Such was the answer, as mysterious and ill-designed as the delinquency it was intended to conceal; and the man only, who could stoop to the baseness of the one, was the most likely in the world to screen himself behind the duplicity of the other. What, then, shall we infer from a system of acting and speaking thus guarded and fallacious, but that the device was formed to operate on certain minds, as it is rumoured to have done; and that such a shallow and barefaced pretext could influence those only, who, without honour or consistency, are endowed with congenial understandings!

Had this alarming and unconstitutional interference happened in matters of no consequence, or but of inferior consequence, the evil would not have appeared of such a magnitude as it does. But let us consider the nature of the business which it is intended to impede or suppress. For near twenty years have the affairs of the East India Company, more or less, occasionally engrossed the attention of parliament. Committees of this House, composed of the most able, industrious and upright characters, have sat long, indefatigably, and assiduously, in calling forth, arranging, digesting and applying every species of evidence which could be found. Reports of their honest and elaborate conduct are before the House. The public feel the pressure of this monstrous and multifarious object. Gentlemen in opposition were at least not insensible to its necessity, its urgency and its importance. An hon. gentleman (Mr. W. Pitt), who has distinguished himself so much on this occasion, protested very solemnly against all palliatives, expedients, or the abortive substitutes of radical and complete measures. To meet that hon. gentleman's idea, as well as to suit the exigence of the case, the present Bill was brought in. It has been called a rash, inconsiderate, and violent measure. The House is aware what discussion it has occasioned; and I dare any one to mention a single argument brought against it which has not been candidly and fairly tried, not by the weight of a majority, but by the force of plain and explicit reasoning. No Bill was ever more violently and systematically opposed, investigated at greater length, or by more ability: passed the House under the sanction of a more respectable and independent majority, or had more the countenance and patronage of the country at large. How, then, did it succeed in the other House? What was the reception which, thus circumstanced, it received from their lordships? Some degree of decency might have been expected from one branch of the legislature to another. That respectable independence which ought to be the leading feature in their decisions, is not incompatible with, but essential to such a mutual deference for the procedure of each, as must be the consequence of acting constitutionally. The Bill, however, though matured and debated by all the abilities of this House, though urged by the most powerful of all arguments, necessity, and though recommended by almost two to one on every division it occasioned, will, in all probability, be lost.

But, Sir, I beseech the House to attend to the manner in which it is likely to meet such a fate. Is this to be effected by the voice of an independent majority? Can any man view the lords of the bedchamber in that respectable light? And the whole fortune of the measure now

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depends on their determination. The rumour, so often stated and alluded to, was calculated, and intended to answer, an immediate and important end. I am far from saying that it ought. Those in high office and elevated rank, should prove themselves possessed of high and elevated sentiments; should join, to an exquisite sense of personal honour, the most perfect probity of heart; should discover as much dignity and strength of understanding as may be naturally expected from a superior education, the distinctions of fortune, and the example of the great and the wise. But how does this description agree with their mode of managing their proxies? These they cordially give in before a rumour of the King's displeasure reaches their ears; the moment this intimation is made, on the same day, and within a few hours, matters appear to them in quite a different light; and the opinion which they embrace in the morning, is renounced at noon. I am as ready as any man to allow, what is barely probable, that these lords might receive new convictions, which, like a miracle, operated effectually and at once; and that, notwithstanding their proxies, from such a sudden and extraordinary circumstance, without hearing any debate or evidence on the subject, they might feel an immediate and unaccountable impulse to make their personal appearance, and vote according to their consciences. Who would choose to say that all this may not actually have been the case? There is certainly, however, a very uncommon coincidence in their lordships peculiar situation, and this unexpected revolution of sentiment; and, were I disposed to treat the matter seriously, the whole compass of language affords no terms sufficiently strong and pointed to mark the contempt which I feel for their conduct. It is an impudent avowal of political profligacy; as if that species of treachery were less infamous than any other. It is not only a degradation of a station which ought to be occupied only by the highest and most exemplary honour, but forfeits their claim to the characters of gentlemen, and reduces them to a level with the meanest and the basest of the species: it insults the noble, the ancient, and the characteristic independence of the English peerage, and is calculated to traduce and vilify the British legislature in the eyes of all Europe, and to the latest posterity. By what magic nobility can thus charm vice into virtue, I know not, nor wish to know; but in any other thing than politics, and among any other men than lords of the bedchamber, such an instance of the grossest perfidy would, as it well deserves, be branded with infamy and execration.

Is there any thing, then, more plain and obvious, than that this great, this important, this urgent measure, is become the handle of a desperate faction, whose principal object is power and place? It is the victim not of open and fair reasoning, but of that influence which shuns the light and shrinks from discussion: for those who pledged their honour in its support, from an acknowledged conviction of its rectitude, its propriety, and utility, have broken that faith, and relinquished their own judgments, in consequence of a rumour that such a conduct would be personally resented by the sovereign. What Bill, in the history of parliament, was ever so traduced, so foully misrepresented and betrayed in its passage through the different branches of the legislature? The stroke which must decide the contest, cannot come from its real enemies, but its false friends; and its fate, without example in the annals of this House, will be handed down to the remotest posterity, not as a trophy of victory, but a badge of treachery.

Here, Sir, the hon. gentleman, with his usual liberality, upbraids me with monopolizing, not only all the influence of the crown, the patronage of India, and the principles of Whiggism, but the whole of the royal confidence: but all such round, unqualified, and unfounded imputations must be contemptible, because they are not true; and the bitterest enemy, not lost to every sense of manliness, would scorn to become an accuser on grounds so palpably false. It is, indeed, as it has always been, my only ambition to act such a part in my public conduct, as shall eventually give the lie to every species of suspicion which those who oppose me seem so anxious to create and circulate: and, if to compass that by every possible exertion from which no man in the sound exercise of his understanding can honestly dissent, be a crime, I plead guilty to the charge. This I am not ashamed to avow the predominating passion of my life; and I will cherish it, in spite of calumny, declamation, and intrigue, at the risk of all I value most in the world.

But, Sir, in this monopoly of influence, the lords of the bedchamber ought at

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least, for the sake of decency, to have been excepted. These, we all know, are constantly at the back of whoever is minister of the day. How often have they not been stigmatized with the name of the household troops, who, like the Prætorian bands of ancient Rome, are always prepared for the ready execution of every secret mandate! I remember a saying of an able statesman, whom, though I differed with him in many things, I have ever acknowledged to be possessed of many eminent and useful qualities. The sentence I allude to I have always admired for its boldness and propriety. It was uttered by the late Mr. George Grenville, in experiencing a similar treachery—and would to God the same independent and manly sentiments had been inherited by all who bear the name—"I will never again," said he, "be at the head of a string of janizaries, who are always ready to strangle or dispatch me on the least signal."

Where, Sir, is that undue, that unconstitutional influence, with which the hon. gentleman upbraids me and those with whom I act? Are our measures supported by any other means than ministers have usually employed? In what, then, am I the champion of influence? Of the influence of sound and substantial policy, of open, minute, and laborious discussion, of the most respectable Whig interest in the kingdom, of an honourable majority in this House, of public confidence and public responsibility, I am proud to avail myself, and happy to think no man can bar my claim. But every sort of influence unknown to the constitution, as base in itself as it is treacherous in its consequences, which is always successful because incapable of opposition, nor ever successful but when exerted in the dark, which, like every other monster of factious breed, never stalks abroad but in the absence of public principle, never assumes any other shape than a whisper, and never frequents any more public place of resort than the backstairs or closet at St. James's,—all this secret, intriguing, and underhand influence, I am willing and ready to forego: I will not even be the minister of a great and free people on any condition derogatory to my honour and independence as a private gentleman. Let those who have no other object than place, have it and hold it by the only tenure worthy of their acceptance—secret influence: but without the confidence of this House as well as that of the sovereign, however necessary to my circumstances and desirable to my friends, the dignity and emoluments of office shall never be mine.

Is it, then, to the India Bill I am indebted for this new appellation? Is there a single argument on this topic which has not been thoroughly and repeatedly discussed? But the hon. gentleman has two strings to his bow: if he cannot blow me with the people, by demonstrating how this measure increases the influence of the crown, he will try what he can do with the crown, by exhibiting it as generating an independence or aristocracy for the minister. His own popularity may go a great way in accomplishing the one, and secret influence will always be adequate to the other; and by an incessant clamour against the whole of the business, fomented and propagated at the instance of a mean and interested faction, it is not unlikely he may succeed in both. But I must beg gentlemen to consider, that this measure, which owes all its imperfections and obnoxious qualities—not to the original text—but to the notes and commentaries of its numerous editors and interpreters, is intended merely as an experiment, subject to the cognizance and control of the legislature. Is there any thing here independent of the three estates in parliament assembled? You say it is an executive power for which the constitution affords no prescription. But are you aware to what extent this argument goes? It deprives you, at one stroke, of all the manifold advantages which result from every possible modification of colonization. What system of government can be applied to any foreign settlement or territory whatever, which is not proscribed by the same reasoning? And, if this literal adherence to the form, in contradiction to the spirit of the constitution, is to be adopted, without regard to the many vast commercial interests, which produce the most fertile resources and form no inconsiderable share of our national strength and distinction, we shall soon be circumscribed within our original boundaries, and be accounted as little among the nations as ever we were great.

Conclusions, however, on such speculative theories as these, are as idle as unsatisfactory. We never can forget that something must be done. I deny that any thing has yet been offered or tried, more congenial to the constitution, more adequate to the object, or more advantageous to the community at large, than the

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Bill in question. I am perfectly aware of whatever has been or can be alleged on the subject; but, abstracted from the scramble of interest and the pitiful bugbears of design, not one solid objection on the point of influence has yet been advanced. The novelty of the system is quite as good a foundation for predicting the best as the worst consequences. It is rare that men are thus prone to misconstrue the plainest propositions without some latent purpose; and we have the same right to comment on the motives on which the measure is opposed, as you have for reprobating those in which it originated.

Even supposing the rumours on which the resolution was proposed were true, it is alleged that a noble duke in the other House counteracted the effect of one influence by another. It had been whispered that his Majesty had authorized his name to be used with a certain view: his grace, as the only expedient left for preserving the minds of their lordships unbiassed, and the personal honour of his sovereign unspotted, gave a negative to the fact. A tale was propagated which tended equally to traduce the crown and embarrass government. How was he to defeat the obvious design of such a notorious libel on the best of princes? Was it his duty to let it pass unnoticed, and to shed undisturbed all its influence on the minds of those for whose instruction and emolument it was originally devised? Or had he any other mode of averting its intention and success than by denying its reality? It would be hard, indeed, to debar ministers of a right to destroy falsehoods fabricated on purpose to destroy them. Such a prohibition amounts to their relinquishing a very material species of self defence, which is one of the most valuable privileges of human nature; and, whatever the hon. gentleman may be willing to sacrifice to office, this is one condition at least, to which I will never be a party.

The task, therefore, he has assigned me of being the champion of influence, belongs more properly to himself; who has this night stood forward in defence of a practice, which cannot be indulged for a moment but at the imminent risk of every thing great and valuable which our constitution secures. With what consistency he embarks in a cause so hostile and ominous to the rights and wishes of Englishmen, those who have known his connexions and observed his professions will judge. Let him not, then, in the paroxysm of party zeal, put a construction on my conduct which it will not bear, or endeavour to stamp it with the impression of his own. For that influence which the constitution has wisely assigned to the different branches of the legislature, I ever have contended, and, I trust, ever shall. That of the crown, kept within its legal boundaries, is essential to the practice of government; but woe to this country the moment its operations are not as public and notorious as they are sensible and effective! A great writer has said, that the English constitution will perish, when the legislative becomes more corrupt than the executive power. Had he been as sound a judge of the practice as of the theory of government, he might have added, with still greater truth, that we shall certainly lose our liberty, when the deliberations of parliament are decided—not by the legal and usual—but by the illegal and extraordinary exertions of prerogative.

The hon. gentleman declares, that if the King is thus prevented from consulting his peers, who are constitutionally styled the ancient and hereditary counsellors of the crown, or any other of his subjects, whenever he is pleased to call for it, he would be a captive on his throne, and the first slave in his own dominions. Does he, then, affect to think or allege that it is the desire of ministers to prescribe all social intercourse between his Majesty and his subjects? I will tell the hon. gentleman thus far his argument goes, and that is something worse than puerility and declamation: it is disguising truth under such colours as are calculated to render it odious and detestable. The Lords are undoubtedly entitled to advise the throne collectively; but this does not surely entitle every noble individual to take his Majesty aside, and, by a shocking farrago of fiction and fear, poison the royal mind with all their own monstrous chimeras. Whoever knows the mode of digesting business in the cabinet, must be sensible, that the least interference with any thing pending in parliament must be dangerous to the constitution. The question is not, whether his Majesty shall avail himself of such advice as no one readily avows, but who is answerable for such advice. Is the hon. gentleman aware, that the responsibility of ministers is the only pledge and security the people of England possess against the infinite abuses so natural to

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the exercise of this power? Once remove this great bulwark of the constitution, and we are, in every respect, the slaves and property of despotism. And is not this the necessary consequence of secret influence?

How, Sir, are ministers situated on this ground? Do they not come into power with a halter about their necks, by which the most contemptible wretch in the kingdom may dispatch them at pleasure? Yes, they hold their several offices—not at the option of the sovereign—but of the very reptiles who burrow under the throne: they act the part of puppets, and are answerable for all the folly, the ignorance, and the temerity or timidity of some unknown juggler behind the screen: they are not once allowed to consult their own, but to pay an implicit homage to the understandings of those, whom to know were to despise. The only rule by which they are destined to extend authority over freemen, is a secret mandate which carries along with it no other alternative than obedience—or ruin! What man, who has the feelings, the honour, the spirit, or the heart of a man, would stoop to such a condition for any official dignity or emolument whatever? Boys, without judgment, experience of the sentiments suggested by the knowledge of the world, or the amiable decencies of a sound mind, may follow the headlong course of ambition thus precipitantly, and vault into the seat while the reins of government are placed in other hands: but the minister who can bear to act such a dishonourable part, and the country that suffers it, will be mutual plagues and curses to each other.

Thus awkwardly circumstanced, the best on earth could accomplish nothing, nor on any occasion, however pressing and momentous, exert the faculties of government with spirit or effect. It is not in the human mind to put forth the least vigour under the impression of uncertainty. While all my best meant and best concerted plans are still under the control of a villainous whisper, and the most valuable consequences, which I flattered myself must have resulted from my honest and indefatigable industry, are thus defeated by secret influence, it is impossible to continue in office any longer, either with honour to myself or success to the public. The moment I bring forward a measure adequate to the exigence of the state, and stake my reputation, or indeed whatever is most dear and interesting in life, on its merit and utility, instead of enjoying the triumphs of having acted fairly and unequivocally, all my labours, all my vigilance, all my expectations, so natural to every generous and manly exertion, are not only vilely frittered, but insidiously and at once whispered away, by rumours, which, whether founded or not, are capable of doing irreparable mischief, and have their full effect before it is possible to contradict or disprove them.

So much has been said about the captivity of the throne, while his Majesty acts only in concert with his ministers, that one would imagine the spirit and soul of the British constitution were yet unknown in this House. It is wisely established as a fundamental maxim, that the King can do no wrong; that whatever blunders or even crimes may be chargeable on the executive power, the crown is still faultless. But how? Not by suffering tyranny and oppression in a free government to pass with impunity; certainly not: but the minister who advises or executes an unconstitutional measure, does it at his peril; and he ought to know, that Englishmen are not only jealous of their rights, but legally possessed of powers, competent on every such emergency to redress their wrongs. What is the distinction between an absolute and a limited monarchy? but that the sovereign, in the one, is a despot, and may do what he pleases; but in the other, is himself subjected to the laws, and consequently not at liberty to advise with any one on public affairs not responsible for that advice; and the constitution has clearly directed his negative to operate under the same wise restrictions. These prerogatives are by no means vested in the crown to be exerted in a wanton and arbitrary manner. The good of the whole is the exclusive object to which all the branches of the legislature and their different powers invariably point. Whoever interferes with this primary and supreme direction, must, in the highest degree, be unconstitutional. Should, therefore, his Majesty be disposed to check the progress of the legislature in accomplishing any measure of importance, either by giving countenance to an invidious whisper, or the exertion of his negative, without at the same time consulting the safety of his ministers, here would be an instance of mal-administration, for which, on that supposition, the constitution has provided no remedy. And God forbid that ever the constitution of this country should be found defective in

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a point so material and indispensable to public welfare!

Sir; it is a public and crying grievance that we are not the first who have felt this secret influence. It seems to be a habit against which no change of men or measures can operate with success. It has overturned a more able and popular minister (lord Chatham) than the present, and bribed him with a peerage, for which his best friends never cordially forgave him. The scenes, the times, the politics, and the system of the court, may shift with the party that predominates, but this dark mysterious engine is not only formed to control every ministry, but to enslave the constitution. To this infernal spirit of intrigue we owe that incessant fluctuation in his Majesty's councils, by which the spirit of government is so much relaxed, and all its minutest objects so fatally deranged. During the strange and ridiculous interregnum of last year, I had not a doubt in my own mind with whom it originated; and I looked to an hon. gentleman (Mr. Jenkinson) opposite to me, the moment the grounds of objection to the East India Bill were stated. The same illiberal and plodding cabal who then invested the throne, and darkened the royal mind with ignorance and misconception, have once more been employed to act the same part. But how will the genius of Englishmen brook the insult? Is this enlightened and free country, which has so often and successfully struggled against every species of undue influence, to revert to those Gothic ages, when princes were tyrants, ministers minions, and government intriguing? Much and gloriously did this House fight and overcome the influence of the crown by purging itself of ministerial dependents: but what was the contractor's Bill, the board of trade, or a vote of the revenue officers, compared to a power equal to one-third of the legislature, unanswerable for, and unlimited in its acting? Against these we had always to contend; but we knew their strength, we saw their disposition, they fought under no covert, they were a powerful, not a sudden enemy. To compromise the matter, therefore, Sir, it would become this House to say, rather than yield to a stretch of prerogative thus unprecedented and alarming, Withdraw your secret influence, and, whatever entrenchments have been made on the crown, we are ready to repair: take back those numerous and tried dependents who so often secured you a majority in parliament; we submit to all the mischief which even this accession of strength is likely to produce; but for God's sake strangle us not in the very moment we look for success and triumph, by an infamous string of bedchamber janissaries!

The hon. gentleman has told us, with his usual consequence and triumph, that our duty, circumstanced as we are, can be attended with no difficulty whatever: the moment the sovereign withdraws his confidence, it becomes us to retire. I will answer him in my turn, that the whole system in this dishonourable business may easily be traced. Aware of that glorious and independent majority which added so much dignity and support to the measure which appears thus formidable to secret influence, they find all their efforts to oppose it here abortive: the private cabal is consequently convened, and an invasion of the throne, as most susceptible of their operations, proposed. It was natural to expect that I, for one, would not be backward to spurn at such an interference. This circumstance affords all the advantage they wished. I could not be easy in my situation under the discovery of such an insult; and this critical moment is eagerly embraced to goad me from office, to upbraid me with the meanness of not taking the hint, to remind me in public of the fate which I owe to secret advice. When that hour comes, and it may not be very distant, that shall dismiss me from the service of the public, the hon. gentleman's example of lingering in office after the voice of the nation was that he should quit it, shall not be mine. I did not come in by the fiat of Majesty, though by this fiat I am not unwilling to go out. I ever stood, and wish only and always to stand on public ground. I have too much pride ever to owe any thing to secret influence. I trust in God this country has too much spirit not to spurn and punish the minister that does! I arrogate no pomp, however, from the formality of resignation. My noble friend, I hope, thinks with me, that the present is one of those singular junctures when it is necessary to act with caution as well as spirit. We are certainly agreed not to retain our places any longer than we can maintain the dignity of government with responsibility and effect; and to the constitutional mandate of dismission, we are prepared to bow with humility and obedience. We have been repeatedly reminded of our disagreeable situation; but the chief fact to

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which we owe this inconveniency was only not foreseen, from an idle opinion that no man could be base and servile enough to undertake it. But now, our eyes are open to transactions, of which ocular demonstration only could have convinced us. We only beg when the revolution, which it is supposed may be effected in the royal breast, is authentically announced, we may be allowed to judge for ourselves. I will apprise gentlemen, however, that the situation of ministers is at present extremely delicate. They stand pledged to the public and a very honourable majority of this House, not to relinquish the affairs of the state while in so much anarchy and distraction. And what ministry could wish for a stronger, or more desirable foundation than such a majority as have constantly voted with us? For my own part, I ever thought public confidence the only substantial basis of a sound administration. The people of England have made me what I am; it was at their instance I have been called to a station in their service; and, perhaps, it would not be treating them well, hastily to abandon the post to which they have generously raised me. The whole of that respectable arrangement in which I am but an individual, are, in my opinion, bound in honour to do something at least for thirty millions of innocent people, whose expectations have been raised and flattered by our exertions; who have long struggled under every oppression, and grappled with their fate in vain; whose wretched and deplorable circumstances affect the British character in every corner of the world with infamy and horror; and who, at this moment, in spite of every exertion both of the legislature and court of directors, groan under the scourge, the extortion, and the massacre, of a cruel and desperate man, whom, in my conscience and from my heart, I detest and execrate.

It is impossible to overlook, or not to be surprised at the extreme eagerness of the hon. gentleman about our places, when twenty-four hours, at most, would give him full satisfaction. Is it that some new information may be requisite to finish a system thus honourably begun? Or is the hon. gentleman's youth the only account which can be given of that strange precipitancy and anxiety which he betrays on this occasion? It is, in my opinion, the best apology which can be urged in his behalf. Generosity and unsuspecting confidence are the usual disposition of this tender period. The friends of the hon. gentleman, I doubt not, will soon teach him experience and caution; and, when once he has known them as long, received as many of their promises, and seen their principles as much tried as I have done, he may not, perhaps, be quite so prodigal of his credulity as he now is. Is he apprized of the lengths these men would go to serve their own selfish and private views? that their public spirit is all profession and hypocrisy? and that the only tie which unites and keeps them together is, that they are known only to each other, and that the moment of their discord puts a period to their strength and consequence?

If, however, a change must take place, and a new ministry is to be formed and supported, not by the confidence of this House or the public, but the sole authority of the crown, I, for one, shall not envy that hon. gentleman his situation. From that moment I put in my claim for a monopoly of Whig-principles. The glorious cause of freedom, of independence, and of the constitution, is no longer his, but mine. In this I have lived; in this I will die. It has borne me up under every aspersion to which my character has been subjected. The resentments of the mean and the aversion of the great, the rancour of the vindictive and the subtilty of the base, the dereliction of friends and the efforts of enemies, have not, all, diverted me from that line of conduct which has always struck me as the best. In the ardour of debate, I may have been, like all other men, betrayed into expressions capable of misrepresentation; but the open and broad path of the constitution has uniformly been mine. I never was the tool of any junto. I accepted of office at the obvious inclination of this House: I shall not hold it a moment after the least hint from them to resume a private station.

The hon. gentleman is, however, grasping at place on very different grounds. He is not called to it by a majority of this House; but, in defiance of that majority, stands forth the advocate and candidate for secret influence. How will he reconcile a conduct thus preposterous to the constitution, with those principles for which he has pledged himself to the people of England? By what motives can he be thus blind to a system, which so flatly and explicitly gives the lie to all his former professions? Will secret influence conciliate that confidence to which his

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talents, connexions and principles, entitled him, but which the aspect under which he must now appear to an indignant and insulted public effectually bars his claim? Will secret influence unite this House in the adoption of measures which are not his own, and to which he only gives the sanction of his name to save them from contempt? Will secret influence draw along with it that affection and cordiality from all ranks, without which the movements of government must be absolutely at a stand? Or is he weak and violent enough to imagine, that his Majesty's mere nomination will singly weigh against the constitutional influence of all these considerations? For my own part, it has been always my opinion, that this country can labour under no greater misfortune than a ministry without strength and stability. The tone of government will never recover, so as to establish either domestic harmony or foreign respect, without a permanent administration; and whoever knows any thing of the constitution, and the present state of parties among us, must be sensible, that this great blessing is only and substantially to be obtained and realized in connexion with public confidence. It is undoubtedly the prerogative of the sovereign to choose his own servants; but the constitution provides that these servants should not be obnoxious to his subjects, by rendering all their exertions, thus circumstanced, abortive and impracticable. The hon. gentleman had, therefore, better consider how much he risks by joining an arrangement thus hostile to the interests of the people; that they will never consent to be governed by secret influence, and that all the weight of his private character, all his eloquence and popularity, will never render the midnight and despotic mandates of an interior cabinet acceptable to Englishmen.

When I say in what manner, and to what ends, the wisdom and experience of our ancestors have thus directed the exercise of all the royal prerogatives, let me not be understood as meaning, in any degree, to detract from those dutiful regards, which all of us owe, as good citizens and loyal subjects, to the amiable Prince who at present fills the British throne. No man venerates him more than I do, for his personal and domestic virtues. I love him as I love the constitution, for the glorious and successful efforts of his illustrious ancestors in giving it form and permanency. The patriotism of these great and good men must endear, to every lover of his country, their latest posterity. The king of England can never lose the esteem of his people, while they remember with gratitude the many obligations which they owe to his illustrious family. Nor can I wish him a greater blessing, than that he may reign in the hearts of his subjects, and that their confidence in his government may be as hearty and sincere as their affection for his person.

Mr. *Jenkinson* thought himself personally called upon by the right hon. gentleman: he averred that he had never given any advice unbecoming his duty and character as a member of his Majesty's privy council. He begged gentlemen would recollect, that when he avowed his being present with the King in March last, it was when no ministry existed. The motion he thought very improper, and big with the worst consequences.

Lord *Mulgrave* was surprised that Mr. Fox should be so vehement against influence, when influence was the sole aim of his administration. He conceived him to be the most dangerous character that had for a long time appeared in this country.

Sir *Herbert Mackworth* reprobated the motion, as calculated to hold out a menace to the other House. No man hated influence or cabal more than he did, but for this reason he must vote against the motion.

Mr. *T. Pitt* took up the argument as a truism, and said, that therefore it was ridiculous to enter into any discussion. The Bill was a monster, and therefore he rejoiced in its fate. The present motion he considered as the last pang of a desperate party, and he should give it his hearty negative.

Mr. *Erskine* entered warmly into the nature of the question. He reprobated the rumour, as intended to influence those in the other House who had never before deserted the minister of the day. It was nonsense to deny the influence of such a rumour. It always had, and must from the nature of the thing have, great and substantial influence. He said there was not a man of honour in the House, who would stand up and say, that such a rumour had not had an effect. At these words there was a violent cry of "take down the words," and Mr. Erskine gave them a fair opportunity, but which however they declined, and Mr. Erskine resumed his argument, which was short and pointed, and was forcibly urged.

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Mr. *Arden* was not displeased with Mr. Fox's eulogium on the royal family. He could not help observing, however, that his attachment to the person of majesty was all from veneration for his ancestors, and the love of his posterity.

Mr. *W. Grenville* said, that having taken down the words delivered by Mr. Fox, as being the words made use of by a noble person, his near relation, and which had been made so much the subject of debate, he had shewn them to his noble relation, and he was fully authorized to say, that the noble person had never made use of these words.

Mr. Secretary *Fox* said, the hon. gentleman, if he had authority to prove no more than this, had authority to prove nothing. If these were not the precise words, what were the precise words? Would the hon. gentleman, or any other person, standing up to answer for the noble earl, say, that he had not made use of some words to the same effect as those which he had mentioned—words calculated to influence the minds of men by the use of the royal name? If the hon. gentleman was not authorized to say this, he in fact gave testimony to the truth of the rumour, instead of giving any contradiction to it.

The House divided on the question, "That the order of the day be now read:"

Tellers.

YEAS	Mr. Neville Lord Mulgrave	80
NOES	Mr. William Baker Lord Maitland	153

Mr. Baker's motion was consequently carried. He then moved his second resolution, which was likewise carried.

Mr. *Erskine* then called the attention of the House to a motion which he, and he trusted the House would conceive to be necessary, as an immediate follower of that which had been carried by a majority of almost two to one. Measures must be immediately taken with regard to India: the fate of India was at stake, and there must not be an instant of delay. From what they had seen of the violent lengths to which secret influence had been carried, they ought to be on their guard; they ought to take measures against the possibility of an event which had been threatened, by which another stop might be put to their deliberations on this great object. Even the parliament might be dissolved, a measure of such violence and despair, as perhaps it would be unnecessary for them to deprecate, since the feelings of the nation would revolt at a step which might terminate in the total separation of this country from her territories in the East. He would therefore move, "That it is necessary to the most essential interests of this kingdom, and peculiarly incumbent on this House, to pursue, with unremitting attention, the consideration of a suitable remedy for the abuses which have prevailed in the government of the British dominions in the East Indies; and that this House will consider as an enemy to this country, any person who shall presume to advise his Majesty to prevent, or in any manner interrupt the discharge of this important duty."

This motion produced another debate, from which strangers were excluded. Sir H. Hoghton, though he conceived that the dissolution of parliament would be, in the present circumstances of the country, a most unwise, hasty, and violent measure, and such as no man would be justifiable in advising, yet as it was the clear and unquestioned prerogative of the crown, he would not have that House to allude to it in the most transient manner. The motion, indeed, did not mention that prerogative, but as that was the object clearly in view, he wished the latter part of the motion to be totally left out, and he moved an amendment to that effect. Mr. Gascoyne, jun. supported Mr. Erskine's motion. Mr. Dundas spoke for the amendment, and entered into an examination of the measures by which ministers were now striving to maintain themselves in power. Lord North answered him, and declared that they would never descend to the meanness of keeping their places by measures of artifice and expedient. When they lost the countenance of parliament, they would retire as they ought, without hovering about the gates of the palace, seeking, by the sinister arts of office, to withstand the voice of the nation. Mr. Arden concluded the debate, and reprobated the motion in the severest terms. The House then divided on the amendment: Yeas, 73; Noes, 147. Majority against the amendment, 74. The original motion was then agreed to.

*Change of Ministry.**] Dec. 19. At

* At twelve o'clock on Thursday night, the 18th instant, a messenger delivered to the two Secretaries of State his Majesty's orders,

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three o'clock, lord North apppeared in the House, and confirmed the report of a change of ministry, by taking his place on the opposition bench. He was soon after followed by Mr. Fox, who finding Mr. Dundas sitting with lord North on the opposition side, jocularly took him by the arm, saying, "What business have you on this? go over to the treasury bench." This raised a laugh in the House, the two ex-ministers, and Mr. Dundas, joining in it most heartily. Lord North and Mr. Fox being seated by each other, were soon followed by Mr. Burke, colonel Fitzpatrick, general Conway, general Burgoyne, lord John Cavendish, lord Surrey, sir Grey Cooper, Messrs. Lee and Mansfield, the late attorney and solicitor general, and general Luttrell, who all ranged themselves on the same side with the two late Secretaries of State; and the House having soon after begun to fill, a most formidable body of members appeared on the opposition side; while the benches on the treasury side of the House, were, comparatively, very thinly occupied. Not a symptom of gloom appeared among the former; all was gaiety and good humour.

Mr. Arden entered the House with a paper in his hand, which contained a motion for a new writ for the borough of Appleby, in the room of the right hon. William Pitt, who since his election had accepted the office of first lord commissioner of his Majesty's treasury, and chancellor and under treasurer of the exchequer.

Mr. *Fox* rose, and said, he thought it fair to state, that very important public business would be brought on in that House, and that he should have wished not to have agitated it in the absence of the right hon. gentleman, who was gone to his re-election; but as from its nature it would not admit of the courtesy of waiting till after the right hon. gentleman's re-election, it must necessarily come under discussion in his absence.

Mr. Baker and Mr. Dundas rising together, there was for some time great confusion in the House, the friends of each calling out, that their friend should be heard. The Speaker declaring that the former had caught his eye first,

Mr. *Baker* said, it was not because he had a better claim to the attention of the House than the learned gentleman, that he wished to be heard before him: he did not mean to make any preface to his motion, which was far from being an extraordinary one; on the contrary, it was the ordinary motion that was regularly made almost every Friday in the session; without any apology therefore for it, he moved, "that this House will, at its rising, adjourn to Monday next."

Mr. *Dundas* then informed the House, that the motion he intended to have made

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"That they should deliver up the seals of their offices, and send them by the under-secretaries, Mr. Frazer and Mr. Nepean, as a personal interview on the occasion would be disagreeable to him." The seals were immediately given by the King to earl Temple, who sent letters of dismission, the day following, to the rest of the cabinet council: at the same time Mr. William Pitt was appointed first lord of the treasury, and chancellor of the exchequer, and earl Gower president of the council. On the 22nd, earl Temple resigned the seals of his office, and they were delivered to lord Sydney, as secretary of state for the home department, and to the marquis of Carmarthen for the foreign. Lord Thurlow was appointed high chancellor of Great Britain, the duke of Rutland lord privy seal, lord viscount Howe first lord of the Admiralty, and the duke of Richmond master-general of the ordnance; Mr. William Grenville and lord Mulgrave succeeded Mr. Burke in the pay-office, and Mr. Henry Dundas was appointed to the office of treasurer of the navy.

The following is a List of the New Administration:

Right hon. William Pitt, first lord of the treasury, and chancellor of the exchequer.

Marquis of Carmarthen, secretary of state for the foreign department.

Lord Sydney, secretary of state for the home department.

Earl Gower (succeeded by lord Camden) president of the council.

Duke of Rutland (succeeded by earl Gower) lord privy seal.

Earl Howe, first lord of the Admiralty.

Lord Thurlow, lord chancellor.

The above composed the cabinet.

Duke of Richmond, master-general of the ordnance.

Lloyd Kenyon, esq. (afterwards lord Kenyon) attorney-general.

Richard Pepper Arden, esq. (afterwards lord Alvanley) solicitor-general.

Right hon. William Wyndham Grenville (afterwards lord Grenville), and lord Mulgrave, joint paymaster of the forces.

Henry Dundas, esq. (afterwards lord Melville,) treasurer of the navy.

Sir George Yonge, bart., secretary at war.

George Rose, esq. and Thomas Steele, esq. secretaries of the treasury.

Duke of Rutland, lord lieutenant of Ireland.

Thomas Orde, esq., secretary to do.

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was, that they should adjourn only till to-morrow; and his reason for this was, that the Land-tax Bill, which had that day been reported, stood for the third reading; and it was of the utmost consequence to the nation that it should pass with all imaginable speed. Every one knew that the 5th of January would be a day that great payments must be made; and how could they be made, unless the Bill by which the money was to be raised should pass before that day? Did gentlemen wish to strike at the very root of public credit? They could not surely desire that the creditors of the public should be disappointed in the payment of the interest due to them for the money advanced by them to the public. He hoped, therefore, they would agree with him in thinking that the House ought to meet the next day for the purpose of passing the Land-tax Bill, and sending it to the Lords time enough to be passed before the 5th of next month. To stop the Bill now would be like recurring to former times, when supplies were withheld till grievances were redressed. He would move therefore an amendment, to leave out the words, "Monday next," for the purpose of inserting the words, "to-morrow," and adding these, "for the purpose of reading the Land-tax Bill the third time, if it shall be then engrossed."

Mr. *Fox* said, that no man could be more anxious than he was to support the credit of the nation, and consequently to provide for the payments which would become due to the public on the 5th of January: and if the adjourning to Monday could have such an effect as to prevent the passing of the Bill before the 5th of next month, and leaving the Exchequer empty, his hon. friend would be the last man to make the motion then before the House; and he was sure there was not a man then within hearing, could be so absurd or so wicked as to give it countenance: but when gentlemen would recollect, that the Bill had only one stage more to pass through in that House, and that this was only the 19th of December, they must laugh at the idea that delaying the third reading till Monday, would prevent its passing till the 5th of next month. Indeed, it might be attended with one inconvenience, which however was not a mighty one: it was merely this, that the Lords might possibly be kept two or three days longer from their country seats and their pleasures. But gentlemen would think it much better at this moment, when such calamities were hanging over the country; when, by a rash, inconsiderate and dangerous measure, the parliament was brought, if report was to be credited, to nearly the eve of a dissolution, gentlemen, he said, would think it much better to subject the House to that inconvenience, than to leave their country exposed to the dreadful calamities that a dissolution would draw down upon the nation. He confessed he was struck with astonishment, that there could be found in the kingdom a subject daring enough to advise his sovereign to so desperate a measure. He meant not to question the prerogative of the crown in dissolving parliaments; but no one would, on the other hand, question the undoubted right of that House to call ministers to account for any wanton or imprudent exercise of that prerogative. No one would say that such a prerogative ought to be exercised merely to suit the convenience of an ambitious young man: and he there, in the face of the House, declared, that if a dissolution should take place, and very solid, substantial, and satisfactory reasons were not assigned for it, he would, if he should have the honour of a seat in the next parliament, move a very serious inquiry into the business, and bring the advisers of it to account. At present it would render gentlemen in some degree accomplices in the guilt of a dissolution without cause, to suffer the Land-tax Bill to go out of their hands, until they should have taken such measures as would guard against the evils which might be expected from a dissolution.

Lord *Mulgrave* supported the amendment. He wondered that gentlemen could think of acting in so unusual a manner; if they would be thought to mean well to this country, they would not surely oppose a motion which had for its object the public good, the support of public faith, and of public credit. He rejoiced that a faction, which had too long governed the state, was now driven from the helm. [At the word "faction," there was a laugh.] Lord Mulgrave seeing the members on the opposite side of the House laugh so heartily, observed, that they were very merry upon their misfortune: he rejoiced, however, that their power was no more: he did not mean to say that he rejoiced to see his noble friend in the blue ribbon out of place; he respected his character, he knew his integrity and abilities too well, not to wish that he were still in

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office; he lamented only that he saw him in such bad company. He hoped his noble friend would not act so unusual a part as to enter upon any business in the absence of the minister, who was gone to his election; such a thing was without a precedent, and he trusted the noble lord would not countenance such an attempt: the constitution gave the king an undoubted right to call and dissolve parliaments, and the measures that gentlemen wished now to pursue might fairly be construed to be a direct attack upon that prerogative.

Lord *North* assured his noble friend, that he would be very unwilling to do any thing unusual in parliament; and if his noble friend would only consider for a moment, he would see that the learned gentleman and himself, who supported the amendment, were those who wanted the House to do an unusual thing. The usual adjournment from Friday was to Monday; the amendment proposed that the House should meet on Saturday, a thing that was extremely unusual, and therefore he hoped his noble friend would not impute to him, or to the motion he supported, any intention to introduce an unusual custom into the House. His noble friend was surprized that gentlemen should wish to proceed to any business while the minister was absent on his election; but did the noble lord seriously think that if they were to sit there doing nothing until the minister should be re-elected, that they had any chance of ever seeing him again in the same House of Commons? For his own part, he had no such thought; and though a new writ had been moved for Appleby, in the room of the new minister, he was not to be deceived by such a device: and he believed there was not a man in the House who was not sure that a dissolution was at hand. His noble friend was surprised to find gentlemen so merry on his side of the House: he made no doubt but he was; for unquestionably it was a very new circumstance, that men who had been dismissed from office should be so merry; no doubt, they had their reasons for being so: for his part, he was greatly mortified at finding them so merry, [a loud laugh from his friends], he was mortified at being sent again to an election: constituents in general would, no doubt, be offended that they should be merry after having been dismissed for having risked situation, influence, emolument, and patronage, for the public good. As to the Land-tax Bill, no one could seriously think that delaying the third reading till Monday would endanger its passing before the 5th of next month: those who started such an idea, knew very well that there was no danger: that the public credit made it necessary it should pass before that day; they knew it must, and would.

Mr. *Martin* said, the delay was shameful; that public creditors would have a right to call upon the noble lord on the 5th of January for the payment of his debts, contracted in consequence of his American war. He was glad that he was no longer in office; and if those who were to succeed him would not call him to an account and bring him to justice, they should not have his support.

Mr. *George Onslow* spoke to order, and declared it was a violation of order in any man to hold such language as that hon. member had then, and on many former occasions, held, relative to the noble lord; it was disorderly, unjust, and unconstitutional, to pronounce any man to be criminal before trial and conviction. He called upon the hon. member, therefore, either never to use such language again, or to bring his charge fairly against the noble lord.

Mr. *Kenyon* supported the amendment. He said, he was not in the secrets of those who were just gone out, or of those who were coming in, and therefore he did not know what measures were likely to be adopted: he did not know whether the parliament would be dissolved or not; and if it should, he did not know that he should have a seat in the next House of Commons, nor indeed did he wish it: but let what would happen on that head, he would vote for the amendment; because he was sure that if the Bill should not pass before the 5th of January, the most alarming consequences would ensue; and, therefore, he was astonished that the noble lord, who had been so instrumental in creating the public debts, should oppose the passing of a Bill that was to provide for the interest of them. The noble lord had asked if the parliament was not to be dissolved? It was a very strange question to put to any member in that House: the King had the right to dissolve it, and he alone could answer that question.

Lord *North* explained what he said had been misstated by the learned gentleman. As to the hon. gentleman who said he would not support the new ministers until they should bring him to justice, all he

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would say on that point was, that he was ready to meet any charge; that whenever it should be brought, he would be found able to answer it; but that if the new ministers were not to be supported by the hon. member until he should be brought to justice by them, he feared they would for ever be deprived of that support.

Sir *Grey Cooper* said, that when the learned gentleman talked about the Land-tax Bill, as of that measure by which the interest on the national debt was to be paid, he certainly knew nothing of what he was about; for no minister could apply the money arising from the land-tax to the purpose of paying the annuities, until the House should first have voted the deficiencies of taxes: it was by this vote, and not by the Bill in question, that ministers would be empowered to carry the land-tax to the sinking fund.

Mr. *Bankes* was for the amendment. It was not for him to say whether parliament would or would not be dissolved: but whether it would or would not, it was necessary that the interest of the national debt should be provided for. To dissolve or not to dissolve, was in the breast of the King; and it was no bad symptom of the justice and propriety of his Majesty's choice of ministers, that in case of a dissolution, he made an appeal to his people, to learn from the elections whether his choice met with their approbation. These ministers enjoyed the confidence of their sovereign; and from such ministers the greatest advantage might be expected by the public.

Lord *Maitland* asked the hon. gentleman if the passing of a money bill, however necessary in itself, was the only business for which it was necessary that House should continue sitting. Had nothing happened of late, that should make parliament redouble its vigilance? Had nothing happened within these few days to alarm the nation and that House for the safety of that constitution, in which consisted the greatness and happiness of the nation? For his part, he thought that every thing that was dear to the people was at stake; and that the House ought to do every thing in its power to preserve inviolate that constitution of which they were constituted the guardians. The hon. member said, that the new ministers possessed the confidence of their sovereign; he supposed that this was the case; and no man ought to be a minister, who did not possess it: there was another that was no less necessary to a minister, and that was, the confidence of the people, the confidence of parliament.

Mr. *Adam* was glad to have an opportunity to desire those who called upon ministers to bring the noble lord in the blue ribbon to justice, to look at him, and see how he was supported; to see how numerous were his friends; what a powerful host he had about him; and then to ask themselves if such a support from a great and independent body of men did not amount to a complete vindication of the noble lord's character, and as glorious an acquittal as he could wish for of those charges which had so often been brought against him. Powerful by his own abilities, he was strengthened by the astonishing abilities of his late right hon. colleague; united beyond the power of any minister to break their union; looked up to by, and possessing, as they justly did, the confidence of so great a majority of that House, they would, they must be again the rulers of that country. A dissolution, in the present circumstances of public affairs, would be ruinous to the country. Our situation was critical. How stood it with respect to foreign powers; with India, and he would speak out, with Ireland? In such a time, and in such circumstances, to dissolve parliament would be a measure which must appear dreadful to every thinking man.

Mr. *Hammet* said, he liked those ministers who were gone out, and those who were coming in; he was really sorry that such divisions prevailed in the House: if he might be indulged in a wish, it would be, notwithstanding all he had heard against a coalition, that one taking in the abilities of all parts of the House might take place; if it should, the nation would certainly have reason to rejoice.

The Earl of *Surrey* said, that if the delay could endanger the passing of the Bill, he certainly would agree to sit to-morrow; but he was now satisfied, that the Bill, unaccompanied by another measure, which could not take place to-morrow, would not answer the end that gentlemen expected from it; and as he thought the dissolution a most dangerous measure, he would agree to the motion for adjourning to Monday.

Mr. *Wilberforce* did not think the amendment of so much consequence as that it should be pressed upon the House: he had rather sit to-morrow; but still it did not strike him that there would be any

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danger to the public, if the adjournment should be made till Monday.

Sir *William Dolben* was inclined to agree to the amendment; but he also hoped that no dissolution would take place; he flattered himself that the usual recess would be given, and that no measure of moment would be proposed, while men's minds were in their present ferment. He would rejoice, indeed, if there was a prospect that the wish expressed by the hon. member relative to a general coalition, might take place.

Mr. *Arden* said, that gentlemen spoke against the dissolution of parliament, which they wanted to prevent; why they should suppose that such a measure would take place, it was not for him to say; but this much he would say, that to attempt to prevent it would be to oppose the just prerogative of the crown. And what could prevent it? The resolution of that House? He must be a timid man indeed, and unfit to be the minister of this country, who should be deterred from a dissolution by a resolution of that House upon a question of their own continuation or annihilation; for they were not to be the judges whether the dissolution, supposing it to have taken place, was or was not a wrong measure: that question was to be determined by another House of Commons; by whom it was possible the dissolution might be applauded instead of being condemned. He would admit, that it was no light matter to advise the dissolution of parliament; but those who were to be annihilated by it, were not the most proper judges in the world of the propriety or impropriety of the measure.

Mr. *Fox* said, he would not have risen again, if he had not been in some measure compelled to it, by a strange doctrine which he had heard advanced by the learned gentleman who had just sat down, against which he would take that opportunity to enter his protest. He would barely take notice in the outset, of the indecent levity, to use no other term, with which the learned gentleman treated the votes of that House, which, though he might not approve, he ought to treat with a little more respect. But what he meant chiefly to take notice of was the expression, "that he must be a timid man indeed, and unfit to be the minister of this country, who should be deterred from a dissolution of parliament, by a resolution of the House of Commons." He thought that the learned gentleman, who had studied the constitution, ought to have known that the voice of the House of Commons was the voice of the people of England, at least as long as it did not appear to be contradicted by the people. There was, at the learned gentleman's elbow, another learned gentleman (Mr. Dundas) who had told him, that if there were petitions on the table from every county, city, and borough in the kingdom, still it was not from these petitions, but from the House of Commons, that the sentiments of the people of England could be learned. Without going that length, he would say, that in the present case there was the strongest presumptive evidence, that the voice of that House was the voice of the people; for, notwithstanding all that had been said against the India Bill, two petitions only, one from London, the other from Chipping Wycomb, had been presented against it by the constituents of any member in that House; and from this it might fairly be inferred, that as to the passing of that Bill, the people of England were with that House, and that it spoke their voice. Would the learned gentleman say, that he would be a timid minister who should suffer himself to be deterred from dissolving parliament by the voice of the people of England? Possibly the learned gentleman might answer in the affirmative; but he would tell him, that he must be a bold minister indeed, who should dare to despise the voice of the people. Premature dissolutions were at all times dangerous; but at this time they were so in a more peculiar manner. How stood the country with respect to foreign powers; how stood we with our dependencies; what foreign power would treat with a government in which there was no stability, no permanency? These frequent changes would expose us to the contempt of foreigners, render us and our government the laughing-stock of Europe, and reduce every thing at home to a state of anarchy and confusion, that might make this country feel all the horrors of a civil war, short of bloodshed. Future governments might think themselves secure, when acting upon principle and for the good of the public, when ambitious young men might rise up, and grasping at power, plunge into the most desperate measures to obtain it. They might be assisted in this by secret influence; and if they should venture to think for themselves, and refuse to be the slaves or tools of advisers whom they did not see, the same secret influence which

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raised them, would as easily pull them down. An hon. member said, that his Majesty would appeal to his people for the approbation of his choice of ministers, which he was to learn from the elections: this he thought would not prove a very successful manner of getting their approbation; however, upon the popularity of that Bill, which had been rejected by the Lords, he would build his hopes of success; he was determined to meet a popular election; he believed there was not a more unbiassed, independent, or numerous body of electors in the kingdom than those of the city which he had now the honour to represent, and to those electors he would again offer himself; nor was he afraid that in consequence of that Bill he should lose their confidence.

Mr. *Arden* explained. He did not mean to assert that the voice of the people of England ought not to deter a minister from dissolving a parliament, if he had good reasons for doing it; but he meant that he must be a timid minister who would be deterred by a resolution of the House of Commons only, and this he would abide by.

Lord *John Cavendish* admitted the necessity that the deficiencies must be voted, and the Bill passed before the 5th of January; but still he opposed the amendment, because the adjournment to Monday could not possibly delay the voting of the deficiencies, without which the money arising from the land-tax could not be applied to the payment of interest; and the sitting to-morrow could not by any means hasten the progress of the business, as no money could be voted in the first instance but in a committee of supply, and that committee never sat on Saturdays.

The question was at last put, and the amendment was rejected. Mr. Dundas did not think proper to call for a division. The original motion was then carried without any farther debate. At the conclusion of this business, most of the members retired; when Mr. Lee, the late attorney-general, got up and moved, "That the farther consideration of sir Thomas Rumbold's Bill of pains and penalties be deferred to the 24th of June next." This was opposed by Mr. Baker; and a division ensued, when the numbers were, For the motion, 27; Against it, 8. Majority, 19.

Earl Temple's Resignation.] Dec. 22. Soon after the Speaker had taken the chair, Mr. William Grenville requested the House would for a moment favour him with their attention on a subject, which, though of private concern to him individually, was more particularly interesting to the House. Certain reports, he said, which had been for some days in circulation, had been made the grounds of a resolution in that House, which he understood had been since construed to relate to a noble lord with whom he was most closely connected in blood; and as he also understood that some farther proceeding was to be had that day on the same subject, which might possibly be directed against that noble lord, he was authorized by his noble relation to say, that he was ready to meet any charge that should be brought against him; and that he might not be supposed to make his situation as minister stand in the way of, or serve as a protection or shelter from inquiry and from justice, he had that day resigned into his Majesty's hands the seals of office with which his Majesty had so lately been pleased to honour him; so that his noble relation was now in his private capacity, unprotected by the influence of office, to answer for his conduct, whenever he should hear the charge that should be brought against it.

Mr. *Fox* said, that as to the propriety of the noble lord's relinquishing his situation, he himself was certainly the best judge; he knew why he accepted, he knew why he retired from office: but, certainly, no one had said that any resolution would be levelled at the noble lord: and his lordship must have been aware of this, for the nature of the transaction to which the reports alluded was such, as almost necessarily precluded the possibility of bringing evidence that would convict the noble lord, or any other person, of the charge which naturally arose from the rumours. But though this evidence was wanting, and though the noble lord had resigned, still he was of opinion the House ought not to give up the idea of going into a committee on the state of the nation, in which a learned friend of his intended to make a motion, which, without any mention of the noble lord, would guard against the fatal effects of that baneful secret influence that threatened the existence of the constitution.

Mr. *T. Pitt* said, that though not so nearly related to the noble lord in question as the hon. gentleman who spoke first, still his honour was not less dear to him; he would therefore request the House

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would not understand that the noble lord intended by his resignation, to put a stop to the proceedings which gentlemen might have it in contemplation to institute in the committee on the state of the nation; on the contrary, his reason for retiring from his situation was, that he might in his private capacity meet any charge that might be brought against him, and from which he might be thought to wish to screen himself if he continued in office.

This was all that was said on this business. Mr. Dundas moved the third reading of the Land-tax Bill.

Mr. *Fox* said, that some gentlemen had not been wanting in their endeavours to spread an opinion that he and his friends intended not to let this Bill pass before the 5th of January, and to insinuate that their object was to create a confusion in the country, by withholding the supply necessary to answer the payments that would become due on that day. But nothing could be more disingenuous than such an opinion; for he, and several others who acted with him, had in the most unequivocal manner declared that the Bill must pass before that day.

Earl *Nugent* said, he rejoiced at these symptoms of good humour and conciliation. Peace and quiet were necessary to the nation; it was a comfort to him to find, that from the good sense of the gentlemen on the other side of the House, he had reason to apprehend that his beloved tranquillity would not be interrupted by any disunion between the different branches of the legislature, or civil discord among the people.

The Bill was read a third time, and passed.

Debate on Mr. Erskine's Motion for an Address desiring his Majesty not to dissolve Parliament.] The House then resolved itself into a committee of the whole House, to take into consideration the state of the nation. Upon which,

Mr. *Erskine* rose. He said, that after the House had adopted the resolution which he had the honour to propose a few nights ago relative to a dissolution of parliament, he thought himself bound to make, and indeed gentlemen might reasonably expect from him, a proposition which naturally grew out of that resolution. If he had rightly collected the sense of gentlemen on that night, there was not one, not even of those who voted against the resolution as unnecessary, who did not agree, that a dissolution of parliament at this critical moment, would be attended with very dangerous consequences to the public; he therefore had reason to hope that he should not meet with any opposition from any part of the House to the motion which he was going to make. Some gentlemen had on a former day argued against the interference of that House with the exercise of the undoubted prerogative of the crown. He was sure that the address which he intended to move would not be opposed by these gentlemen, because in the very outset it acknowledged the existence of that prerogative, and professed that nothing could be farther from the intention of the Commons than to infringe upon it. It presumed only to exercise a privilege as inherent in that House, as the prerogative of calling and dissolving parliament was in the crown, the privilege of approaching the throne with their advice, and giving it in that dutiful and respectful manner which became subjects speaking to their sovereign.

The House could not forget the many important concerns which pressed upon their consideration; the state of public credit at home; no connexion as yet formed with America for the great purpose of commerce; the affairs of India distracted, and the state of the Company's finances at home called for immediate relief from parliament. These were objects which pressed themselves upon the House, and gentlemen knew that the consideration of them could not be delayed without manifest injury to the state. In such a situation of affairs, to advise a dissolution of parliament, would, in fact, be to draw down destruction upon the country; for it would cause a delay of at least two months before any thing could be done, by which the great ends of supporting the credit of the public and of the Company, and of framing wise regulations for the government of the dependencies of the state, could possibly be attained. But he was wrong in saying two months, it were well if in twice two months the business could be completed; for what knowledge could a new parliament have upon the subject of India affairs which it never considered? It could gain a knowledge, indeed, from the numerous and voluminous reports that had been laid before this House; but this would necessarily create a delay, as all these reports must be read and digested before any remedy could be

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devised that would apply to the evils complained of. Speaking constitutionally, he was right in not supposing that a single member of the present House of Commons would be returned to the next; and in that case, the public would be deprived of the assistance of the learned gentleman over against him (Mr. Dundas), who, with many others, members of the present parliament, had, by two years constant inquiry into the state of India, qualified themselves to speak with knowledge of the affairs of that country, and to form proper regulations for the government of it. The attention of the present House of Commons had been for two years taken up with the consideration of India affairs; and therefore it would be madness indeed to prevent them from taking such steps as, from their knowledge of the subject, they should think most salutary; and to refer the whole to a *new* parliament, totally uninformed, and consequently not qualified to bring the business to as speedy a conclusion as the pressing necessities of the state called for.

These were reasons that struck him as perfectly well-founded and conclusive against a dissolution. It would be the duty of those who should think such a measure advisable, to state the reasons that inclined them to think so. It had been suggested, that as one of the two Houses had passed the India Bill, and the other had rejected it, a dissolution was the only means to which a minister could have recourse in order to prevent a rupture between both Houses; but this was a very ill-founded reason. Who talked of a rupture between them? Did any one apprehend such an event? He could speak for himself and his friends that such an apprehension never entered their heads: they all acknowledged the independence of each of the three estates of parliament: nothing could be farther from their minds than to dispute or even question the right of the Lords to reject any Bill that they did not think proper to be passed into a law. But while he argued for the independence of the crown, and of the House of Peers, he hoped no one would find fault with him if he should also argue for the independence of the House of Commons; and he was sure that this independence must be destroyed, if the parliament should be dissolved merely because the Commons had passed a Bill which the Lords thought proper to reject. The Bill which was said to be the ground of the apprehended rupture between the two Houses, had been passed in the lower by a majority of 114; and was rejected in the upper by a majority of only 19; a curious reason, indeed, for dissolving a parliament, because so small a majority threw out a Bill that had been supported and carried through by so uncommonly great a majority in the House of Commons.

But the India Bill was made a stalking horse in this business, and was by no means the cause which induced the present advisers of the crown to think of a dissolution; if it was, they would have countenanced those who disapproved of the measure, and voted against the Bill. The late president of the council (viscount Stormont) was in this predicament; he voted against the Bill, and yet he was not spared from the general ruin which overwhelmed his colleagues; for with them he was dismissed from the cabinet, before they could have known whether he would not have supported the new with all his influence and ability. He called, therefore, upon those who were in the confidence of the present advisers of the crown, to tell the members what they were to say to their constituents when sent back to them by a dissolution. At present, if his constituents should ask him (in case the parliament were now dissolved) why such an event had taken place? he must really be at a loss for an answer. If they should ask him, was it because the supplies had been withheld? he could with truth reply, that was not the reason; for the House of Commons had most liberally granted all the supplies that government had called for. If they should ask him, was it because the Commons had thrown any obstacles in the way of his Majesty's executive government? He would answer, that this was far from being the case, as in all their deliberations they had gone hand in hand with his Majesty's ministers, and not negatived a single proposition which had been made to them. If they should ask, was it because they had no confidence in his Majesty's ministers? He would answer, no; but in his opinion, because his Majesty's ministers had no confidence in them; and therefore as they were not ministers to suit the parliament, they were resolved to get a parliament that would suit the ministers. The present House of Commons finding that a secret influence had existed, by which the free discussion of a great question had been prevented in

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another place, and some of the members were influenced by a name which ought not to be mentioned in either House of Parliament for the purpose of influence, had entered into spirited resolutions in defence of the independence of parliament; and this alone, in his opinion, was the reason which had induced the present advisers of the crown.

A noble earl, whom some persons might have suspected of having been instrumental in making use of the name alluded to, with a view to influence the members of another House, had, as the House had been already informed, thought proper this day to resign the office he had so very lately accepted; and, as that noble earl's near relation had stated, he resigned because he had heard of rumours of which he understood some persons thought him the author: it was a little singular, that the noble earl, who resigned this day in consequence of rumours, held them in such contempt a few nights ago, that he would not even deign to contradict them. He had, indeed, contradicted them in an odd kind of manner, which, however, might with much more truth be called a confirmation of them than a contradiction; for when a right hon. Secretary of State read to the House the words of a card supposed to have been written by that noble lord, his friends did not deny the fact altogether, but contented themselves with saying, that the noble lord had not used *these words*, which was a kind of acknowledgment that he had used *some words* that might have conveyed nearly the same idea. Here Mr. Erskine begged leave to put a case: he supposed that a doctor should have been suspected of having poisoned a patient with *tinctura thebaica;* that a friend should wait upon him, and acquaint him that such a suspicion, so injurious to his character, was rumoured abroad; that the doctor should thank his friend for his intimation, and should say to him, "My dear friend, I assure you, upon my honour, I never administered to the patient *tinctura thebaica.*" Mr. Erskine asked if such an answer as this would satisfy any man that the doctor was innocent; nay, he insisted that it would fix upon him the strongest suspicion that he had poisoned his patient with something, though that something was not *tinctura thebaica.* The noble lord's friends in like manner, by denying that he used these words, gave reason to suspect that the rumour was true in substance, though the particular words which had been read in that House might not have been the identical words used by the noble lord. For his part, he would not say the noble lord was guilty, for his profession as a lawyer taught him that he ought never to go so far in assertion, unless he had his proofs ready to support it; but, though he could not and ought not to declare the noble lord guilty, still he thought himself fully justified from the circumstances of the case, in thinking that there was strong grounds for suspicion; and, consequently, a very proper occasion for the interference of that House to prevent the exercise of a secret influence, which took away that responsibility which was a pledge to the public for the good conduct of those who are entrusted with the executive government of the country.

But there was still another ground for the interference of that House. It had been maintained as constitutional doctrine, that a peer, being an hereditary counsellor of the crown, has a right at all times to advise the king; this might be true; but then the advice should be given openly, not by stealth, and be owned by the person giving it; but above all, the adviser ought not to publish among those who were to decide upon the Bills, what was the opinion or pretended opinion of the sovereign with respect to them; and as there was reason to think that this had been once done by a peer out of office, the resignation this day of the noble lord alluded to was no reason for resting satisfied that, because he was no longer in office, he would not avail himself of the privilege annexed to his peerage; and though not a minister, he would not give his advice as an individual member of the upper House. As to the right which the House of Commons enjoys in advising the crown, he presumed there was no man would question it. The Bill of Rights declared it to be the birth-right of every subject to petition the crown: now he would insist, that the right of petitioning necessarily included that of advising; for, according to his definition, to petition was to advise; for whenever a person sentenced to die, or any of his friends petition for a pardon, they pray the king to do something which he has a legal right to do or not to do, just as he pleases. It is a part of the king's prerogative to remit capital punishments; and if to attempt to interfere with the exercise of that prerogative were unconstitutional, then it would be unconstitutional for a capital convict or his friends

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to petition for his life, which would be contrary to the Bill of Rights: now as such a favour as that of granting the life of a convict, can be expected only when just grounds are pointed out, the stating of these grounds or facts, which otherwise might never get to the knowledge of the king, is clearly and unquestionably a mode of advising the sovereign to exercise, in such an instance, the prerogative with which he is legally invested, of pardoning criminals. But he had no occasion to argue upon the subject, in order to establish the right of that House to advise the crown; he had no occasion to suppose that when all was tranquillity abroad, but all was distraction at home, it would be proper for parliament to interpose their advice, if they found that the sovereign, notwithstanding the confusion at home, was going to plunge the nation into a foreign war; he had no occasion to have recourse to speculation, supposition, or theoretic reasoning, for the Journals were full of proofs that what he insisted was the right, and had constantly been the practice of that House. No man would deny that the king has a right to put a negative on any bill presented to him for his assent; and yet the Commons addressed William 3, to learn from him by whose advice he had withheld the royal assent from some bills that had been presented to him on the throne. There were precedents of remonstrances and complaints made to kings of England, but the virtues of the present King would ever render it unnecessary for that House to carry complaints to the foot of the throne; and, consequently, there was no danger that they should receive angry answers from it, as had been the case in former reigns. Having prefaced his motion with these arguments, Mr. Erskine then moved, that the chairman be instructed to move the House,

"That an humble Address be presented to his Majesty, humbly to represent to his Majesty, that his Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, think themselves bound in duty humbly to represent to his Majesty, that alarming reports of an intended dissolution of parliament have gone forth.

"That his Majesty's faithful Commons, dutifully acknowledging the wisdom of the constitution in trusting to the crown that just and legal prerogative, and fully confiding in his Majesty's royal wisdom and paternal care of his people, for the most beneficial exercise of it, desire, with great humility, to represent to his Majesty the inconveniences and dangers which appear to them, from a consideration of the state of the nation, likely to follow from a prorogation or dissolution of the parliament in the present arduous and critical conjuncture of affairs: the maintenance of the public credit, and the support of the revenue, demand the most immediate attention: the disorders prevailing in the government of the East Indies, at home and abroad, call aloud for instant reformation; and the state of the East India Company's finances, from the pressing demands upon them, require a no less immediate support and assistance from parliament.

"That his Majesty's faithful Commons are at present proceeding, with the utmost diligence, upon these great objects of government, as recommended to their attention by his Majesty's gracious Speech from the throne, but which must necessarily be frustrated and disappointed by the delay attending a dissolution, and most especially the affairs of the East Indies, by the assembling of a new parliament, not prepared, by previous inquiry, to enter, with equal effect, upon an object involving long and intricate details, which his Majesty's faithful Commons have investigated, for two years past, with the most laborious, earnest, and unremitting attention.

"That his Majesty's faithful Commons, deeply affected by these important considerations, impressed with the highest reverence and affection for his Majesty's person, and anxious to preserve the lustre and safety of his government, do humbly beseech his Majesty to suffer his faithful Commons to proceed on the business of the session, the furtherance of which is so essentially necessary to the prosperity of the public; and that his Majesty will be graciously pleased to hearken to the advice of his faithful Commons, and not to the secret advices of particular persons, who may have private interests of their own, separate from the true interests of his Majesty and his people."

Mr. Erskine observed, that the last paragraph in the Address might possibly appear harsh to some gentlemen, and bear too pointed an allusion to a late transaction; but to those gentlemen who should think so, he would say, 'Non meus hic sermo.' It was not I who drew it up; I copied it from the Journals, where I found

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it made part of an Address presented by the then House of Commons to the King, from whom they received such an answer as became a prince, who had no other interest but that of his people; such an answer as might be expected from the patriotic virtues of his present Majesty.

Colonel *Fitzpatrick* seconded the motion. He said that a learned gentleman (Mr. Dundas) had declared, on a former occasion, that the state of the East India Company was held out as a political bugbear to frighten people into any measure that should be proposed: bugbears could frighten only children; and he hoped that all the new ministers would not be so intimidated by bugbears as to throw away in a moment what they had been so anxiously looking for. A noble lord had been very desirous to get into administration; but bugbears of rumours, which he had affected to despise before, had made him, like a child, throw away the toy he had taken such trouble to obtain. It might, perhaps, be said in favour of that noble lord, that he despised the rumours that had been spread relative to him, until he found they had been taken into consideration by the House, and made the foundation of resolutions; that then he had retired to a private station, that his ministerial character might not be thought a means of influencing those who should institute an inquiry into the grounds of the rumours. However, dates were unfortunately against this apology for the noble lord; for when the resolutions were proposed in that House on Wednesday last, his friends affected to despise the rumours, as supported only by the authority of a newspaper; and it was after the resolutions had been carried, that he accepted the office of Secretary of State. It might still be urged in his favour, that he did not think of resigning till he understood that there was an intention to follow up the resolutions that had been carried, with some others which he apprehended might be personally levelled at him. But this apology must also fall to the ground, because what the noble lord might conceive to have been threats against him, had been thrown out before he went into office. The noble lord had, therefore, been terrified by bugbears; and bugbears had made him fly from his post: and having so little firmness about him as to be scared into a resignation by bugbears, the country would have no great reason to lament that so timid a minister had quitted his station. His reason, however, for resigning was not a little curious: he wished not that his influence as a minister should screen him from any inquiry, but he left the House at a loss to find out where this influence was to be found; certainly, it was not in that House, where nothing prevailed at this moment but indignation at the attempt that had been made to destroy the constitution, by attempting to set up a secret influence of men not responsible, by which the country was to be governed. A great minister, now no more, had very properly called the secret advisers of the crown, or lords of the bedchamber, 'the janizaries,' that surrounded the throne, ready to strangle every minister who should dare to despise their advice, and act from his own judgment. In Turkey, the lords of the bedchamber not only ruled the ministers, but also they generally were authors of the most dreadful revolutions, or held their prince in bondage: he hoped that the influence of such janizaries would in future be confined to Turkey; and that, from the proceedings of this day, those who hitherto had ventured to use secret influence, would be taught, that the people of England were not to be governed by persons who were not in responsible situations; and that those only who were responsible, were the persons whe were constitutionally entitled to advise their prince.

Mr. *Dundas* denied, that he had ever called the business of India a bugbear that was held up to frighten children. He was but too well acquainted with the state of that part of the empire to call it a bugbear; what he meant when he used the word bugbear was to say, that India was no longer in that alarming state which had justly made people entertain apprehensions for its safety; and that to speak of it now, when it was at peace, in a manner suited only to its former state during the war, was holding out a bugbear to frighten men into measures, in his opinion, the most unwarrantable. As to the business immediately before the committee, he would not say that the House of Commons had not a right to advise the crown in points which might relate to the exercise of the royal prerogative; he would not say that they had not a right to petition the crown not to dissolve or prorogue the parliament; but without questioning this right, he would appeal to the discretion of gentlemen, whether this was an occasion that called for the exercise of

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such a right? When it was proposed a few nights ago that the House should resolve that it was criminal in any man to report the opinion or pretended opinion of the King, relative to any measure depending in parliament, with a view to influence the minds of members; when this was proposed, he said, he opposed it; not because he disputed the truth of a proposition, which on the contrary he then called a truism, but because he did not think there was then any necessity to warrant such a resolution at that moment. If he saw no necessity for that resolution at that time, of course, in common consistency, he must have the same objection to an Address growing out of that resolution. It was not upon slight rumours that the House of Commons ought to vote self-evident propositions, or carry addresses to the foot of the throne; and, in his opinion, the resolution and the present motion had no other foundation than rumour—a foundation by much too weak to support the superstructure that gentlemen wanted to rear upon it. Gentlemen were alarmed at a report of a dissolution of parliament; whence the report could spring he was at a loss to determine; for if he could be supposed to know any thing of the intentions of those who were the then advisers of the crown, he would venture to declare, that no such intention at present existed in the mind of a right hon. gentleman at present not a member of that House, as that of advising his sovereign to dissolve the parliament. It was impossible for him to pledge himself for the actions of other men; but if he could pledge himself for any thing, it would be for this, that his right hon. friend would not advise any such measure as a dissolution. If gentlemen were determined to carry through the Address moved for by the learned gentleman, he certainly did not mean to give it any opposition; he would not therefore take the sense of the committee upon it; but he entreated gentlemen to consider well, if there were at present any grounds for adopting so solemn a measure as that of carrying up an Address to the throne.

Mr. *Bankes* said, that if what the learned gentleman had said to the committee could not prevail upon them so far as to make them think the Address unnecessary at present, he was sure nothing that could fall from him could have any effect upon them. He was afraid that something which he had let drop on Friday last might, contrary to his intention, have confirmed the idea which gentlemen seemed to apprehend, that there would be a dissolution; but, certainly he did not mean to convey any such idea to the House. What he had said was simply this: that some gentlemen having asked, upon what transaction that had lately occurred could a dissolution of parliament be founded, and upon what principle could it in the present moment be justified? he had replied, that the House of Commons having, by a great majority, passed a bill, and the Lords having thought proper to throw it out, neither House could afterwards with consistency give up its own opinion relative to India; and, therefore, as there was little reason to hope that they would ever agree on the subject of that Bill, and as there was a pressing necessity speedily to form some regulations for the future government in India, in his opinion, nothing could enable any ministry to carry these regulations through both Houses but a dissolution; and on this principle he thought such a measure justifiable. More than this he did not mean to say; and nothing could have been farther from his intention at the time, than to intimate to the House that a dissolution was likely to take place. At present, he could inform the committee, that he was authorised by his right hon. friend now at the head of his Majesty's council, to assure the committee, that he had no intention whatever to advise either a dissolution or a prorogation of parliament; and that he would not be one of those who should advise any such measure. This he, spoke from authority; and he stated it as an assertion to which his right hon. friend would most readily pledge himself. He hoped, however, that though no dissolution or prorogation should take place, gentlemen would not think it improper to adjourn for some short time, until a plan, the outline of which was already drawn, should be thoroughly digested, and put into the shape of a bill, which should have all that was good in the bill that had been rejected by the Lords, without any of those parts which gave so much offence, and trenched so much upon chartered rights; a plan which would have this to recommend it, that the East India Company itself would concur in giving it support.

Mr. *Fox* begged that gentlemen would excuse him, if, notwithstanding the positive assurances that had been given by the

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two last speakers, he still continued of opinion that the address ought to be carried. He had a great deal of reliance upon the honour and integrity of the right hon. gentleman alluded to; though he could not say he had much dependence upon his steadiness; for to see men on one day accepting official situations, and the next day resigning them, afforded very little hope of that stability which at all times, but more particularly at the present, was necessary to give effect to any establishment that it should be thought necessary to propose. But the very means by which the power of the present advisers of the crown had been obtained, might deprive them of it: that secret influence, which had made them ministers, might in the end operate to their downfal. The resignation of a noble earl, which had been that day announced to the House, had very little weight with him; it could not make him renounce any one measure that he had in contemplation before he heard of that event; nay, if it should have any influence at all upon him, it would be to make him think the address still more necessary; for he looked upon that noble earl as more dangerous now, than when he held an ostensible situation in government. When he was a minister of the crown, he was responsible for his conduct, and for the advice he should give; but now, being out of office, he might, as a peer of parliament, avail himself of that character, and, unperceived, whisper an advice to his sovereign, that might in a moment produce those events, which the right hon. gentleman, not now a member of that House, was willing to pledge himself should never be brought about through his means. It was impossible, therefore, for him to consent that the address should be withdrawn; because he ought not to suffer any thing to be left undone which might prevent all those calamities which must necessarily be the consequence of a dissolution. Not one argument had been urged to induce him to think that the address ought to be withdrawn; indeed, no one had attempted to adduce any such argument; and, as he saw the Address was in every syllable of it unexceptionable, and that it was not opposed from any quarter of the House, he certainly was of opinion that it ought to be carried. He declared that he meant no disrespect to the right hon. gentleman who had lately been placed at the head of affairs, in refusing to take his word, that the parliament would not be dissolved; as far as that gentleman was concerned, he would readily take his word: but in reality, if he himself were now in the situation which the right hon. gentleman filled, knowing as much as he does know of the power of secret influence, he would not ask any man to take his word; because he did not know but, at the very moment when he might be declaring that the parliament would not be dissolved, that very measure might be resolved upon in consequence of some secret advice, of which he might know nothing until he felt the effects of it. The right hon. gentleman no doubt meant to keep his word; but if he should find that by a prevalency of secret influence, the dissolution of parliament should hereafter, unknown to him, be resolved on, it would be a very small satisfaction indeed to the public, amidst the sufferings which such a measure would bring upon them, that the right hon. gentleman meant well, and had been himself deceived. It was the duty of the committee to adopt a measure which would guard the constitution against the baneful consequences of secret influence, and banish it for ever from about the throne.

Mr. *Bankes* said, that after such a promise as he had made in the name of his right hon. friend, the committee might rest assured, that if any idea of a dissolution, or prorogation, should be seriously entertained any where, his right hon. friend would unquestionably do what the right hon. gentleman over against him (Mr. Fox) would most certainly do in a similar case, he would resign.

Mr. *Fox* said, that this could not be pressed upon the committee as a reason that should induce them to give up the Address. He had not a doubt but the right hon. gentleman would act properly and spiritedly on the occasion; but what compensation would his resignation be to the public, for the evils which a dissolution would bring upon them? There was not a moment to be lost; the delay of a day might be attended with the most serious consequences; and therefore he hoped that a very short adjournment, if any, would take place. The gentlemen who had sacrificed their domestic enjoyments at this season of the year to their regard for the constitution, would, he hoped, complete the great work they had so well begun.

Governor *Johnstone* said, he might venture to call himself an independent man,

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in giving his sentiments on the present question; for he differed in opinion from both sides of the House. It seemed to be agreed on both sides, that the parliament ought not to be dissolved. This was a position which he was ready to controvert. The Lords had thought proper to throw out a Bill which a great majority of this House had carried. Now, he understood that a right hon. Secretary (Mr. Fox) had given notice on the day the Bill was lost, and before he had lost his situation, that he would bring it in again with just such an alteration in title, as should render it admissible in the House of Lords. But if the Lords, in the exercise of their judgment, had thought it too infamous a Bill to pass into a law, could they, consistently with their past conduct, agree to a Bill which differed only in name from that which they had before rejected? The right hon. gentleman could carry it in the House of Lords, only by cramming it down their lordship's throats; and they would be beasts, or worse than beasts, if, after what they had already done, they would suffer any minister to cram such a Bill down their throats; and therefore, from the opposite opinions of both Houses, and their tenaciousness of these opinions, he would not hesitate to declare that the parliament ought to be dissolved, or that the public affairs would be involved in ruin; and he would deem him a pusillanimous minister indeed, who should suffer himself to be driven from the helm by any resolution of parliament against a dissolution, which the safety of the public called for. Next, as to the advice said to have been given by a noble earl, and which he found condemned on both sides of the House; or at least on one side, and not defended on the other; he was bold enough to say, it was capable of a good defence; for neither the law of the land, nor the spirit of the constitution forbad an honest man to go to his sovereign, and tell him what were the sentiments of his subjects on any measure in which they conceived their lives, their property, or their liberties concerned. He was against the Address on another ground: to advise the crown, on many occasions, could not be done without conveying, at the same time, the idea of reproach, according to the saying, 'commendatio est quasi exprobatio:' but this Address conveyed a censure, not by implication simply, but in almost a direct manner.

Lord *North* was sorry to differ, in many points, from his hon. friend who had spoken last, and who undoubtedly might be said to be independent, as far as a person standing singular in his opinion was independent of every person who had argued on either side of the question. His hon. friend had conceived that a right hon. gentleman (Mr. Fox) intended to cram the India Bill, under another name, down the throats of the Lords. The hon. gentleman was mistaken in calling him the right hon. Secretary, for, sorry he was to say, that, to the misfortune of this country, it was a name which no longer belonged to him. But, said his lordship, I will call him by a name which I trust will ever belong to him; a name which it is my pride to boast of since I knew him best; I will henceforth call him by the name of my right hon. *friend:* by that word I mean in future to describe him; and I hope that by that name he will be in future known in this House. Our intimate connexion was founded in principles of honour; when the great points on which we differed were no more, we thought we might act together with cordiality and without inconsistency. We were not mistaken; we tried the experiment, and it succeeded; no meanness, no dishonour, no jealousy discovered itself; all was inviolable adherence to honour and good faith on one part, all was confidence on the other. No mean concessions were made on either side; I appeal to my right hon. friend, if ever I sacrificed any one opinion which I formerly seriously held upon principle, unless where reason and argument might have pointed out the propriety of it; and, in justice to my right hon. friend, I must declare, that he never sacrificed to me any principle which he ever held when in opposition to the government of which I was the head. The necessity of the state called for that coalition, which has been so often denominated a cursed coalition; nay, the very circumstances of the present day demonstrate that necessity; for where could an administration be formed without a coalition? There were at present but two cabinet ministers; and if coalition was a cursed thing, then this ministry of two men is a cursed ministry; for it is formed in a coalition of two persons who differed formerly on essential points. The difference, however, of the two coalitions is this: the coalition between my right hon. friend and myself was a coalition of whole

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parties blended into one, for the purpose of forming a stable and permanent government; whereas the coalition between the present first lord of the Treasury and the lord president (earl Gower) is a coalition of shreds, of ends and remnants; a coalition of small parts of parties, but not of the parties themselves. Why, then, is it the fashion to call the one a cursed coalition, and yet take no notice of the other? I cannot tell; unless it is that one is sufficiently strong to form a strong government, while the former cannot muster more as yet than two cabinet ministers. The experience of time has justified the coalition, and rendered it a blessing to the country. When parliament put an end to my administration by the address against the American war, it was succeeded by another, which appeared to be strong; but it carried in its own bosom the seeds of its own weakness, in the disunion which appeared in several parts of it; which soon shewed itself by their splitting asunder, and a secession of a part of it from the cabinet; the next administration was but weak, because it was ill-connected; and it had lost the support of those who formerly acted with it; the members of it, therefore, fell off one after another, till, losing the confidence of the House, the poor remnant of it was obliged to yield to the voice of parliament and retire. From this experience, it appeared necessary for the good of the state, that a permanent government should be formed, and it was clear that it could not possibly be formed unless a coalition should take place among those, who though once enemies upon points which could no longer come into debate, might act together very cordially in every other respect: such a coalition was formed; but then it was charged with having seized upon government: this is, indeed, a charge that I do not understand, for the public waited for six weeks for a ministry; and every means were tried for a new one, without the assistance of the coalition; but failing in every attempt, the ministers all quitted the cabinet before the coalition was sent for. The cabinet was then empty; so that if we seized upon it, it was by marching in after the garrison which ought to have defended it had fled; and who, as they were going out, cried, "What a terrible cursed thing is this coalition, that is driving us from our situations!" But, if we became possessed of government, we are at worst charged with having carried it by storm, bravely, in the face of the enemy, not by sap; we carried on our advances regularly, and above ground, in view of the foe; not by mining in the dark, and blowing up the fort before the garrison knew there was an intention to attack it. It was said, on a former day, that a starling ought to be placed in this House, and taught to speak the words "Coalition! coalition! cursed coalition!" Now, for my part, I think that while there is in this House an hon. gentleman who never fails, let what will be the subject of debate, to take an opportunity to curse the coalition, there will be no occasion for the starling; and while he continues to speak by rote, and without any fixed idea, I think what he says will make just as much impression as if the starling himself were to utter his words. [Here the House fell into a violent fit of laughter.] As to the coalition, and the abuse which was so often thrown upon it, they always bring to my mind two persons for whom I felt no inconsiderable share of concern; these were two men who were shut up in the Eddystone light-house to mind the fire; they were both of different principles, and, therefore, though they were shut in from all intercourse with the rest of mankind, and though they might, by their conversation, have amused one another, yet they never exchanged a word with each other for six weeks, and had rather let the fire go out, and see all the navy of England dashed to pieces under them, than that one should consent to give up the most trivial point to the other.—[A laugh.] Now, the enemies of the coalition would have had my right hon. friend and me resemble the two men in the light-house; but we have acted more wisely for the public good; we considered the safety of the public our principal care and duty; and, in order to save the ship of state from running ashore or dashing against the rocks, we agreed, at all events, that the fire in the light-house should not be extinguished; but that, let who would stir it, it was to be kept in: thus what some affected to call a curse, was in reality a blessing to the nation. I will not charge the right hon. gentleman, at present at the head of his Majesty's affairs, with being an enemy to coalitions; on the contrary, he likes them so well, that he has formed one himself with the noble lord who sits with him in the cabinet. The right hon. gentleman has endeavoured to imitate our coali-

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tion, but he has bungled the business; for, as I said before, he has coalesced with the remnant of parties, and not with the parties themselves; therefore I may apply to them the expression of the Roman orator, *Placuisse, sed non tetigisse.* But to return from my digression, my hon. friend (governor Johnstone) says, that my right hon. friend means to cram down the throats of the House of Lords, a bill which they have already rejected: but surely he cannot be in earnest, for he knows my right hon. friend is no longer in a situation to cram any thing down their throats; and the hon. member over the way (Mr. Bankes) says, that a bill totally different from that which was rejected, in as much as it is free from all those objections which are said to have made so many enemies to the Bill that is lost, is to be presented by the new minister; and, therefore, as one person has it not in his power to present the same bill again, and another person will present a totally different one, there is no danger that the old bill will be crammed down the throats of the House of Lords; and consequently there is no danger that the event should take place, which, in my hon. friend's opinion, would justify a dissolution of the present parliament. My hon. friend has been mistaken in another point: he says, that my right hon. friend said, before he resigned, that he would bring in again the same Bill. This is, indeed, a capital mistake; for my right hon. friend did not resign; he was turned out; I was turned out; we were all turned out: not the merit of having voted against the Bill could preserve the lord president of the council from the mortification of being turned out with all his friends. As to the assurances given to the committee on the part of the right hon. gentleman now at the head of his Majesty's affairs, that no dissolution or prorogation will take place through his advice, I am very well inclined to say, that in his honour and integrity I have a great reliance; but what security can he give that secret influence in lords of the bedchamber will not defeat his intentions, and produce a dissolution, not only without his advice, but even contrary to it? I value highly the character of that right hon. gentleman; and though he is my political enemy, still I always feel myself disposed to treat him with more respect than I ever experienced from him. But highly as I value that character, I cannot trust to it upon the present occasion, because the events to which that character is pledged may not be within the control of the right hon. member. At present there are only two ministers in the cabinet; but when the number is completed, who can answer to the House of Commons that a dissolution may not be proposed in the cabinet, the right hon. gentleman out-voted, and the question carried? This is upon the supposition that the event will depend upon the cabinet; but the difficulty will be still greater, if the committee will reflect on the power of secret influence, which can put an end to the strongest administration: as has been experienced within these few days. I therefore must declare, that as the address is couched in the strongest terms of respect, duty, affection, and loyalty to his Majesty, I think it ought to be carried, as the only effectual means of preventing those calamities which would flow from a dissolution of parliament in the present critical situation of affairs.

Mr. *Martin* said, the noble lord's character for mirth and humour was solidly established; but, notwithstanding his great abilities, he was as little afraid of rising to answer him as any other member in the committee. His reason was, that a consciousness of the rectitude of his own intentions enabled him to bear up against any abilities. Whenever he spoke, it was from the heart; his judgment was his only guide. He had been charged on a former day by an hon. member, with wishing for the blood of the noble lord; God knew that he wished not for blood, and that he could have no personal enmity to the noble lord, whose character in many respects he revered; but as he believed he had brought this country to the brink of ruin by the American war, he thought the noble lord ought to be brought to justice for it: and here he begged leave to observe, that it did not follow from this, that he wished for blood: there were many degrees of punishment between simple censure and the scaffold.

Mr. *Beaufoy* spoke to the following effect:—Notwithstanding the pleasantry of the noble lord who spoke last but one, I cannot but assent to the melancholy reflections with which the hon. gentleman who moved the Address introduced that motion to the House. That the present season is, indeed, a season of alarm; that the distresses of the kingdom are great beyond the experience of any former period, and that for a considerable time past fearful apprehensions of the future

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have seized on the minds of men, are truths which no one who loves his country, or who values the constitution, will venture to deny. Surely, Sir, in such a situation, the first question which every reflecting man will ask, will not be, "Shall we address the sovereign?" it will rather be, "What are the causes of this unusual distress? who are the men who have brought these evils upon the state?" Does the noble lord hear this question? The time may come, perhaps, when his country will propose it to him. What was the state of the nation when the noble lord first became prime minister of the kingdom? Respected and revered abroad as the foremost nation of the earth, and prosperous at home even to their utmost wish, the English saw themselves the happiest people of the world. Extension of commerce, improvements in agriculture, increase of income to the landlord, increase of profit to the tenant, were the circumstances which distinguished that singular æra. Indebted, indeed, the nation was, but not beyond her strength; engaged, too, she was in an unhappy contest, but the means of reconciliation were in her power, for at that time Mr. Penn's Petition had not been rejected. Such was the state of the nation when the noble lord first became its minister. What was his conduct? The happiness of the country was vulnerable but in one part, and there the attack was made. With an appearance of candour and plain sincerity, he armed the pride of parliament against its most essential interests; he persuaded the people that the Americans were their subjects as well as the King's; he cherished the contemptuous opinions, and fostered the furious resentments of the House, till the folly of the minister seemed lost for a time in the madness of the parliament.

The consequences of his conduct I need not state: we all know its effects on our foreign dependencies; on America, on Ireland, on India, reduced by his means to that very poverty which is now made a charge against her. Its effects on the internal happiness of the kingdom we all deeply feel: the country gentleman feels it in the decline of agriculture, in the distresses of his tenants, in the diminution of his income, and the enormous increase of his annual expense. The stockholder feels it in the total annihilation of his fortune, and the fearful uncertainty of the fate that may attend the rest. The merchant and the manufacturer feel it in those accumulated taxes that enrich the fraudulent trader, while they weigh down the exertions of the honest, and finally consign him to a prison. The friends of the noble lord applaud his good humour, and his classic wit; and it must be acknowledged that the sorrows of his country have not reached him; for while Britain beholds, with deep dismay, the ruined state of her finances, ruined during his administration; while she laments the loss of half her empire, a loss which even his associates ascribe to his folly; while she mourns the blood of her people, shed under his conduct in a most accursed cause, he himself possesses the utmost hilarity of temper, and insults her sorrows with his jokes.

What was the conduct of the noble lord after he was driven from office? At that time, great as the calamities were which he had brought on this unhappy kingdom, two sources of consolation still remained; the public faith had never yet been broken; and the British constitution was as yet entire. It was therefore hoped, that if the shattered remnants of the empire could still be saved by the establishment of peace, time and means might be found for the gradual reduction of the public debts; and for this purpose a plan of great ability, since published, was formed, at the particular request of the minister who succeeded the late lord Rockingham; that plan the noble lord's return to power rendered utterly abortive; that peace which saved the nation when on ruin's extremest verge, to which he had conducted her, he reprobated. What was the next measure that marked his lordship's conduct? A plan. I am sorry I cannot ascribe it wholly to him, for a person whose name once was dear to this country, stood forward on this occasion a volunteer against her; a plan it was for violating the public faith solemnly pledged to the India Company; a plan that tended to unroot from the minds of men all confidence in the state; a plan that converted questions of right to questions of mere convenience; and that left to the Bank of England, to the South-Sea company, to the corporation of the city of London, and to the proprietors of the public funds, no other reasonable hope than that of being last destroyed: nor was this all; for lest the soundness of the constitution should at length throw off this rotten excrescence, the constitution itself was to be attacked. Executive authority

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was to be given to the delegates of the people, and the government be changed from a wisely-limited and admirably-constituted monarchy, to an awkward and ill-regulated republic. I say, Sir, an awkward and ill-regulated republic; for what is a republic but a government in which executive authority, as well as legislative, is given to the delegates of the people? If the noble lord was persuaded that the influence of the crown ought still to be diminished, why did he not propose triennial parliaments? why did he not propose the exclusion of pensioners from seats in this assembly? why did he not propose a just and equal representation of the people? In all these I would gladly have supported him, for these are constitutional means of lessening the influence of the crown. Thus, Sir, I have pointed out the measures that have brought us with a rapidity unknown to past ages, and that will be incredible to the future, from the height of prosperity to the uttermost distress, from wealth to poverty, from power to weakness, from extended empire to mutilated and curtailed dominion. Does the noble lord deny that the calamities of the state are imputable to the measures of his administration? Let him stand forward and assign, if he can, any other reason for the evils we now endure.

As to the question before us, I do not much object to the motion itself, for God forbid that I should deny the right of this House to address the sovereign! but I dread the spirit from which, on this occasion, it appears to me to be offered to the House. The resolutions of the House in the year 1641 were not illegal; few of them could be called unconstitutional; yet the spirit that dictated those resolutions subverted both the law and the constitution. If in the proceedings of a certain party in the present times, the same spirit that governed the long parliament should appear; if they should be found to act on similar principles; if their conduct should discover the same contempt for the peers, the same desire of rendering them useless to the state; and above all, the same dislike to the person whom the constitution venerates most, it is time for every man who wishes well to his country or values the constitution, to stand upon his guard; for if these things be so, the danger will not only be great but immediate; it will fall not on a distant age, not on a remote people, but on the age in which we live, on ourselves and on our children.

The Earl of *Surrey* begged to know from what cause it had happened that no notice had been taken in Saturday's Gazette of an appointment to the office of chancellor of the exchequer. The office of first lord of the treasury and that of president of the council, must be filled of course; but they were not places so pressingly necessary to be filled at all times as the place of chancellor of the exchequer. That ought, in his opinion, to be first filled; and yet he did not find that it was occupied as yet, at least he did not find that any one had as yet acted as chancellor. The assurances that had been given from the other side of the House, that the right hon. gentleman actually at the head of his Majesty's treasury would not advise the dissolution of parliament, would certainly have great weight with him, if he could hear equally strong assurances that the right hon. gentleman would be able to prevent the question for a dissolution from being carried against him in the cabinet, or from being carried somewhere else, perhaps in spite of the cabinet.

Mr. *Bankes* still wished that the Address might not be insisted upon; but if gentlemen were resolved to carry it through, he would go so far as to say, that finding it in every degree unexceptionable in all its parts, and in the manner in which the person and prerogative of the sovereign were treated, he certainly would give it no opposition; he had no objection to urge against it, but that it appeared to him unnecessary; but as he could not bring the committee to think so with him, he would not press farther on the patience of gentlemen.

General *Smith* said, he would join issue with the learned gentleman who, early in the debate, made an assertion that India was at present at peace; he would prove from the last reports, that India was convulsed to the centre; that Mangalore was surrounded, and that our troops were encompassed with enemies, who, he feared, had compelled them to lay down their arms. The letter of sir Eyre Coote, and the partition treaty for dividing Tippoo Saib's dominions, afforded the best reasons for believing that India, instead of being at peace, was at this moment a scene of bloodshed and destruction.

Sir *William Dolben* said, he should vote for the Address, because he thought it respectful, loyal, and parliamentary. He approved the whole of it, excepting only

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the sting in the last paragraph, that about the secret advisers of the crown. He wished gentlemen would consent to give up that which looked invidious and personal.

Mr. *Baker* said, the paragraph objected to was, as he conceived, the very essence of the Address. It was a matter of public notoriety, that an undue and unconstitutional influence had been exercised in a recent instance, and there was every reason to suppose, that the loss of a Bill that had been carried by a great majority of that House was solely owing to such an interference. The House had, in consequence, thought it right to come to several resolutions, speaking their sense of the criminality of secret advisers, and the present Address was a natural consequence of those resolutions.

The question was at length put, and carried. Mr. Fox then moved, that the chairman do report progress, and ask leave to sit again. These motions being put, Mr. Fox cautioned the House against departing before all the forms were gone through, which he said would take up but a very short time. He also earnestly exhorted the members not to leave town immediately, as the consequences might prove irremediable. The House being resumed, Mr. Hussey brought up the report of the resolution come to by the committee. The resolution was read a first and second time, and agreed to by the House. A motion was then made, that a committee be immediately appointed to draw it up in the form of an address, which was accordingly carried; and, after some few minutes, the Address was brought up, read to the House, and agreed to.

The King's Answer to the Commons' Address.] Dec. 24. The Commons went up to St. James's with their Address, to which his Majesty returned the following Answer:

"Gentlemen;

"It has been my constant object to employ the authority intrusted to me by the constitution, to its true and only end—the good of my people; and I am always happy in concurring with the wishes and opinions of my faithful Commons.—I agree with you in thinking that the support of the public credit and revenue must demand your most earnest and vigilant care. The state of the East Indies is also an object of as much delicacy and importance as can exercise the wisdom and justice of parliament. I trust you will proceed in those considerations with all convenient speed, after such an adjournment as the present circumstances may seem to require. And I assure you I shall not interrupt your meeting by any exercise of my prerogative, either of prorogation or dissolution."

Debate in the Commons on the Adjournment.] The Speaker having reported the said Answer to the House,

Mr. *Fox* said, that though by his Majesty's Answer to the Address, the House had assurance that they should not be prevented from meeting again by either a prorogation or dissolution of parliament, still the assurance went no farther than the meeting after the recess. His Majesty's present ministers had been, it seemed, driven from their intention to dissolve the parliament; none of them had been found daring enough to advise his Majesty to take so desperate a step; but how soon after the next meeting they might venture so to do, he could not foresee; they were resolved however to prevent the House as long as they could from proceeding to business; for by moving writs at present, they would make such a number of vacancies in it, that would furnish themselves with an argument against proceeding early to business; for they would have it in their power to say, that it would not be decent to proceed during the absence of so many persons as had been sent to an election. The state of the country, however, would not admit of a long recess; for as the present ministers could not stand long (and indeed to talk of the stability and permanency of their government would only be to laugh at and insult them), it would be necessary to move for another set of writs after the holidays, in the room of those who, on the formation of another ministry, should vacate their seats. Therefore, in order to prevent the calamities that were likely to befal the country and threaten the constitution, he would propose that the recess should be as short as possible; he thought it could not well be for less than a fortnight, and therefore he was of opinion that the House should adjourn first to Friday, when he understood it would be necessary to meet again for the purpose of moving some writs, and then to the 8th of January. It might be said, that, knowing as he did that the ministry could not stand long, this was shewing

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himself impatient to be restored to office: he did not know that he should make one of the next administration, but he confessed that he was impatient that the sense of that House might be soon taken on the present ministers; that they might soon learn, either that they had the confidence of the House, without which no minister could last, or that they had not; this was highly necessary to the public good, and therefore the sooner the people should have a stable government, let it be composed of whom it might, the better. He talked of the weakness of young men in accepting offices under the present circumstances of affairs; and he mentioned their youth as the only possible excuse for their rashness. However, as they came in the avowed champions of the House of Lords against the sense of the House of Commons, it would be necessary to proceed as early as possible in the business on which the committee on the state of the nation was to sit, and to take such steps as should be thought prudent and salutary to guard against the evils that might be apprehended from the secret influence to which the new ministers were not ashamed to owe their own situations. They did not seem to understand a pretty broad hint from that House, how improper it would be for them to come into power; it would, perhaps, require a broader one to convince them of the necessity of retiring; and therefore it might be proper to come to some pointed resolution after the holidays, in order to secure the House against a dissolution; he was of opinion, therefore, that they ought not to adjourn beyond the 8th of January.

Lord *Mulgrave* took notice of some parts of Mr. Erskine's speech on Monday last, relative to the time when the address was carried to king William in 1693, from which he had copied the last paragraph. He said, that there was great resemblance between that period and the present, when a faction was overturned and driven from power, when a Tory, lord Rockingham, was dismissed from his office, and the patriotic and Whig, lord Somers, who was the type of the present Lord Chancellor, had the great seal delivered to him after it had been taken from a jobbing commission.

Mr. *Erskine* said, it would have been better for the noble lord to have taken notice of his speech on Monday than now. He said he did not copy the paragraph in that address, merely because he found it in a former one; but approving, as he did, of the sentiments contained, he had adopted it merely in complaisance to such squeamish persons as the noble lord. He said, he did not apprehend from his Majesty's answer, that there was any intention to dissolve or prorogue the parliament after the recess; he would not read that answer with the eye of a special pleader, in order to find flaws in it; but as his Majesty admitted the pressing necessity of vigilance and attention to public affairs, he conceived that he admitted as a just inference, that an interruption of the proceedings of the House would be prejudicial to them.

Sir *Edward Astley* thought the adjournment too short; he had attended his duty in parliament from the first day of the meeting, to the great prejudice of his private affairs, which now required some little attention from him. It would take him two days to go down to the country, and two more to return, which, taken from the period between this and the 8th of January, would leave it short indeed. He said, he had read in the newspapers this day, that sir Edward Astley was gone over to the opposition: he must drink deep, indeed, of the waters of Lethe before he should do that; he cared not indeed who was minister, he would support no man from influence, but would be always guided by his opinion of the measure.

Sir *Joseph Mawbey* inveighed against the coalition, which he detested from the bottom of his heart. In answer to an allusion made by Mr. Fox, that the ministers would employ their time during the recess to bring over members to their interest by holding out tempting offers, sir Joseph said, that if they did, they ought to employ the agent of the noble lord in the blue ribbon, who was hackneyed in that business.

Lord *North* said, that it was not very likely that his agent, whoever was meant, should go about to make a majority a minority; for his part, if the present minister would be bound not to attempt, during the recess, to corrupt, by himself or any agent, any member composing the majority of that House, he (lord North) would consent to be locked up without pen, ink, or paper, and bind himself not to speak to any man until the House should meet again. He was of opinion, however, that no attempt would be made, for he was sure that a more fruitless one could never be undertaken.

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Resolutions of the Commons respecting the Acceptance of India Bonds—and the Duchy of Lancaster.] The House then resolved itself into a committee on the state of the nation.

Lord *Beauchamp*, after a short preface, moved, "That it is the opinion of this committee, that the commissioners of the treasury ought not to give their consent to the acceptance of any bills drawn, or to be drawn, from India, until it shall be made to appear to this House, that sufficient means can be provided for the payment of the same, when they respectively fall due, by a regular application of the clear effects of the Company, after discharging, in their regular course, the customs and other sums due to the public, and the current demands upon the Company, or until this House shall otherwise direct."

Mr. *Fox* seconded the motion.

Lord *Mulgrave* said, the lords of the treasury were authorized by an act of parliament to give their consent that the directors should accept bills to a certain amount; it would therefore be absurd to confine them by a resolution of one branch of the legislature from doing that which by law they were authorized to do: in the exercise of their judgment, in obedience to an act of the legislature, they ought to disregard a resolution of that House.

This last expression made many members take fire. Mr. Burke and Mr. Fox found it perfectly consistent with men who were come in under the influence of the Lords, to despise the resolutions of the Commons; indeed, the present ministers shewed whose ministers they were; for of them all, there was only one who was not a peer.

Lord *North* said, the resolution was necessary. By law the directors could accept bills to the amount of 300,000*l.*; for any sum beyond that, they must have the consent of the lords of the treasury. He understood that bills had already arrived, or were on the point of arriving, to the amount of 2,400,000*l.* and others were expected to arrive from India, to the amount of 2,095,000*l.* more. This was an immense sum, and therefore it ought not to be left to the discretion of the treasury to bind the public by their consent to the payment of it. For his part, were he a lord of the treasury, he would thank the House for such a resolution, as it would free him from a thousand importunities from the Company.

Sir *W. Dolben* thought the House ought not to interfere with the lords of the treasury in the discharge of a trust reposed in them by the three branches of the legislature.

Mr. *Scott* said, he would not argue for the necessity of the resolution, but if it was once admitted to be necessary, he would not hesitate to say that it was not unconstitutional; for that House had unquestionably a right to advise any executive branch of government, however legally established.

Mr. Wilberforce, Mr. Bankes, and lord Mahon, spoke on the question, but not against it; they rose merely to rescue the character of Mr. Pitt from any imputation that he intended to make any bad use of the power vested by law in the treasury. The resolution was carried.

The Earl of *Surrey* said, he had another resolution to propose. A reformation had been intended in the duchy of Lancaster, if not an abolition of the duchy court; but this had been in a great measure prevented by the grant made of the office of chancellor of that duchy to the last person who held it for life: he moved therefore that the chairman be directed to move the House, "That an humble address be presented to his Majesty, that he will be graciously pleased not to grant the office of chancellor of the duchy of Lancaster, for any other term than during pleasure, before the 20th of January next." He said he had chosen an early day, that he might not be thought to trench too much upon the prerogative.—The resolution was agreed to.

On being reported, both the resolutions were adopted by the House. Mr. Fox then said, that in compliance with the wishes of some gentlemen, he would not press the adjournment to the 8th; but would move that the Committee do sit again on the 12th of January next. This motion was carried; and the House adjourned.

1784.

Debate on Mr. Fox's Motion for resuming the Committee on the State of the Nation.] January 12, 1784. At half past two Mr. Fox rose, and said, he would proceed to move the order of the day; but he was interrupted by the re-elected members coming to take their seats. They came separately, and it was near four before they were all seated. Mr. Fox and

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Mr. Chancellor Pitt then rose at the same time, and the friends of both gentlemen were very loud in procuring for them the preference. The Speaker said, that Mr. Fox was in possession of the House, for he had been up, and was interrupted by the swearing in of the re-elected members. Mr. Chancellor Pitt said, he spoke to order, and he therefore was heard. He said he knew not that Mr. Fox was in possession of the House; but he thought it requisite for him to say, that the reason for his rising was to present to the House a message from his Majesty, conceiving, as he did, that the House would be disposed to hear that in preference to other matter. The Speaker said, that Mr. Fox having begun his speech, was clearly in possession of the House.

Mr. *Fox* then said, that nobody would believe that he was inclined by any means to prevent the Chancellor of the Exchequer from presenting a message from his Majesty; but having risen to move the order of the day, and the right hon. gentleman having it in his power to present the message after the business of the day as well as before, and knowing at the same time, from the nature of the message, that there would be no injury in waiting, he wished that the House should go into the Committee on the state of the nation, where a motion of the most immediate consequence to the House would be made, and which, in his mind, ought to precede all other business. He therefore begged leave to move the order of the day.

Mr. Chancellor *Pitt* then rose. He was by no means anxious, he said, to prevent the House from going into the committee on the state of the nation, or to keep the right hon. gentleman from the possession of the House, to the gaining of which such art and such accommodation had been used. He could not be at all surprised that those men, who before the recess had been so clamorous and so petulant, and who had gone such strange lengths, at a time when those persons who unquestionably ought to be present at the discussion of all important questions were necessarily absent, should now have proceeded in the same way, and taken the advantage of absence to bring on a measure, by which he, as the minister of the crown, should be prevented from bringing down a message from his Majesty. It was not his desire to prevent gentlemen from saying any thing that they might imagine would support that clamour which they had endeavoured so insidiously to raise in the country, any thing that would support that petulance which they had shewn before the recess, that unjustifiable violence and those unprecedented steps which they had taken, for the purpose of inflaming the country, and exciting jealousies, for which there was no real foundation. He was happy to see the House met again, that now the ministers of the crown might be able to face the assertions, the insinuations that were thrown out; for nothing in the shape of a charge had been brought forward, nothing had even been attempted to be proved: now they would have it in their power to meet the inquiries and the propositions that might be agitated in the committee on the state of the nation; and he assured the House, that he should not shrink from any question, charge, or insinuation, which the gentlemen on the other side might choose to bring against him.

At the same time, however, that he cheerfully expressed his readiness to go into the committee on the state of the nation, he thought it right that this committee should be delayed for some short time, and he trusted the reasons which he should give would be satisfactory to the House. It had pleased his Majesty to command his services, at a time when, however he might feel himself unqualified for the high station of minister, he could not think himself justified in conscience to decline. The circumstances of the country were peculiar and distressing. The East India Bill, brought in by the right hon. gentleman, a Bill so violent in its form as to give just reason for alarm to every thinking man, had been, by what powerful management it was not for him to say, hurried through that House. That Bill established a species of influence unknown to the constitution of this country; and he was one of a most respectable minority, who thought, that if it had passed into a law, the independence of that House, the equilibrium between the three estates of the realm, and the beautiful frame of our government, were at an end. That Bill passed this House, but at the same time it was the idea of all men, even of those who objected to that Bill, that though that Bill was perfectly unfit to be passed, some Bill was essentially necessary; and he had pledged himself, if it was withdrawn or thrown out, to propose one less violent in its principle, and, as he thought, more adequate to its purposes.

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Would any man object to his moving for leave to bring in that Bill? Would not all sides of the House acknowledge, that the first object to be embraced was the India business? It was for this question that the House was impatient. They had thought proper to present an Address to the throne, stating their extreme anxiety to go upon this important pursuit, which they stated to be so important as to make them dread any interruption whatever. Was it possible then that they should think of interrupting the business? Was it possible that they should think of preventing the introduction of a new Bill, which was the only way of coming fairly to the business? Whatever serious inquiry into the state of the nation might be meditated afterwards, he should think it his duty most attentively and cheerfully to accompany; but in the mean time he begged the House to consider, that this was the first day when the new ministers had met them in parliament. That ministry was formed, was called by his Majesty into office chiefly on the ground of the India Bill. Their first duty was to frame a system for the government of India. They had not opposed the last Bill by cavilling; they had not objected to it from envy to the parents of it. They had opposed it, because they thought that its objects might be accomplished in a safer way. This was the point on which they were at issue. They had now to prove that they had not lightly disturbed the government of the country; that they had not set up a captious opposition, an opposition to men merely; but that they opposed a most violent measure, and having overthrown it, they thought it their first duty to substitute a more moderate, a more constitutional scheme in its place.

He spoke again of the clamour which had been excited, and said he was ready to meet it all. He had objected to the last Bill, because it created a new and enormous influence, by vesting in certain nominees of the ministers, all the patronage of the East. He stated all his great objections to Mr. Fox's Bill, and said, that he was now called upon by his duty to bring in a new Bill, and if the House, by agreeing with him to postpone the order of the day, would give him leave to move for leave to bring in his Bill, he would state all the outlines of his system, as shortly and precisely as he could. He trusted that he should not be prevented, because the right hon. gentleman had forestalled the House, by rising at a time when those persons were absent whose duty it was to conduct official business, and he hoped the House in general would agree with him in voting against the order of the day.

Mr. *Erskine* said, he ventured to consider themselves as re-assembled that day after the necessary adjournment of the season, under his Majesty's solemn promise, that they should not be interrupted in their deliberations on the affairs of the East Indies, and the support of the public credit, by any prorogation or dissolution of the parliament: for, if his Majesty's answer to their late address meant any thing short of that, his ministers who had advised and perused it, had not only abused his royal confidence, but grossly deceived and insulted that House; because that the answer, in acknowledging the urgency of those objects mentioned in the Address as reasons against dissolving, and likewise the expediency of proceeding on them with vigilance, most undoubtedly conveyed that the House would be permitted not merely to meet, but to meet for the furtherance of those objects. On the day the answer was read in that House, there were no responsible ministers present; but as they were there now, the House was entitled to know, in the most explicit and unequivocal terms, previous to the discussion of any question of India, whether they were to understand that they were met again freely, independently, and with ultimate effect to deliberate on the affairs of India, and the other great considerations that pressed upon them; or whether they were only tenants at the will of the new minister, to be sent back to their constituents as delinquents, unless they should recede from every principle of constitutional policy to which they were solemnly and publicly pledged, and should agree to register any edict upon the subject which the new Treasury-bench might dictate to them, however repugnant to their former opinions. If that was their system, he, for one, would not give up a moment of his time to deliberation which must be fruitless, and which could end in the final execution of no permanent system of government in Asia or Europe. If ministers met them only by way of experiment to try their opinions with the rod of dissolution hung over their heads as the scourge of disobedience, determined, instead of retiring on a disappointment, still to distract and disturb a government

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which they could not guide, and to gain over a future parliament by the arts of cabal and corruption, which the virtue of the present had resisted, it would become them to know, not from the ministers, *but from the Throne itself*, whether this country was to be governed by men whom the House of Commons could confide in, or whether they, the people of England's representatives, were to be the sport and foot-ball of any junto that might hope to rule over them by an unseen and unexplorable principle of government utterly unknown to the constitution. That was the great question to which every public-spirited citizen of this country should direct his view: a question that went very wide of the policy to be adopted concerning India, about which very wise and very honest men not only might, but have and did materially differ. The total removal of all the executive servants of the crown, while they were in the full enjoyment of the confidence of that House, and indeed without any other visible or avowed cause of removal than because they did enjoy that confidence, and the appointment of others in their room, without any other apparent ground of selection than because they enjoyed it not, was in his mind a most alarming and portentous attack on the public freedom; because, though no outward form of the government was relaxed or violated by it, so as instantly to supply the constitutional remedy of opposition, the whole spirit and energy of the government was annihilated by it. The prerogative of choosing ministers belonged to, and ought to belong to his Majesty, and let no man hope to hear from him a single expression that struck at the just independence of the crown; but as all its prerogatives, like their own privileges, were but trusts for the people, and as none of them could be abused but by the agency of others, he persuaded himself that they would look to those who, in an evil hour, had given the crown the most responsible advice on the subject alluded to, by accepting of all the posts of executive power, merely, as it should seem, because the voice of the people's representatives in that House had been recently, repeatedly, and loudly lifted up against them. He ventured to express his astonishment on a former day, when the first lord of the Treasury was not in his place, that when the affairs of India were the first and most important objects of the King's government, he could venture to take upon him the conduct of that government in a House of Commons adverse to all his ideas and principles on the subject, and the majority of which he had on the same subject loaded with the most opprobrious epithets; an expression he thought himself at liberty to use, because, after a great and respectable majority had assented to the Bill upon the second reading, and in the committee, the right hon. gentleman did still, on the third reading, consider the friends of it collectively as supporting a desperate faction in an attempt to maintain themselves in power at the expense of the most sacred chartered rights of individuals, and the most valuable interests of the public, with many other galling expressions. His objection to that language, as he explained it when he first stated it, was not so much because it was unparliamentary or unprecedented, though he thought it sufficiently so; it was not an arraignment of the right hon. gentleman for using it, since, on most contested public measures, the same sort of language was but too frequent from both sides of the House; but he did, as they might all remember, express his utter astonishment, which he again expressed (for it grew on him every instant), that the right hon. gentleman should hope to continue one day the minister in a House of Commons, while that majority, whose principles of government he had thus so recently reprobated, continued to subsist: that was, and continued to be his observation, and he was not afraid to trust the justice and propriety of it to the good sense, the dignity and the memory of the House. If the right hon. gentleman retained his own opinions, and if the House likewise retained its own, was it not evident that he had come into office without the most distant prospect of serving the public? Was it not evident, that he brought on a struggle between executive and legislative authority, at a time when they were pointing with equal vigour, unity, and effect, for the common interests of the nation? Was it not palpable, that instead of giving stability, dignity, and authority to the government of his country, at a time when its affairs were falling into ruin in every part of the world from the want of them, he crippled and enervated all its operations, stirred dangerous questions between the prerogatives of the crown and the privileges of the people, and wasted the important hours of deliberation in that House in bringing things back to

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the very condition they were in originally, when he stepped forth to disturb them. Could the right hon. gentleman, or any body for him, explain to the House why the crown, by its answer to their address, should promise not to disturb their proceedings, yet should, at the same moment, change the whole executive authority of government, and place it in the hands of persons adverse to every principle they had pledged themselves to adopt, on the very measure they were desired to proceed upon? Was it not plain to the meanest understanding, that it struck a palsy into every member of executive power, which could not, and ought not to have any energy or strength, when deprived of that vital spirit of popular government, which could only circulate life, and heat it through the medium of the people's representatives in that House?

He trusted, that whenever the crown of England removed its ministers enjoying the full confidence of the Commons, and chose so strange and inauspicious an hour for that removal, as when, upheld by that confidence, they were planning great and necessary systems of government, and when it not only chose that season for removing them, but put into their room persons whose principles on the same objects the people's representatives had recently rejected and condemned, he hoped, whatever might be their differences on other subjects, that they should be unanimous in considering that moment as a great and alarming crisis, in which the freedom of the government was to be decided on for ever; and that, though they should proceed like prudent and virtuous men, with foresight and moderation, taking care not to touch any of the forms of the government, yet that they should convince the crown by their conduct, that the wisest and ablest individual who should ever venture to stand upon secret influence against the confidence of that House, would find that his abilities, whatever they might be, or whatever they might be fancied, instead of being a support and protection to him, would only be like the convulsions of a strong man in the agonies of disease, which exhausted the vital spirit faster than the fainter struggles of weakness, and brought on death the sooner.

Such, in a few hours, he trusted would be the fate of the right hon. gentleman at the head of the present government: indeed he never compared, in his own mind, his first appearances in that House, when under the banners of his right hon. friend he supported the genuine cause of liberty, with his present melancholy ridiculous situation in it, than he was drawn into an involuntary parody of the scene of Hamlet and his mother in the closet:

> Look here upon this picture, and on this:
> See what a grace was seated in his youth,
> His father's fire—the soul of Pitt himself,
> A tongue like his to soften or command,
> A station like the genius of England
> New lighted on this top of Freedom's hill;
> A combination and a form indeed,
> Where every god did seem to set his seal
> To give his country earnest of a patriot.

Look you now what follows:

> Dark, secret influence, like a mildew'd ear,
> Blasting this public virtue: has he eyes!
> Could he this bright assembly leave to please,
> To batten on that bench!

The right hon. gentleman might profit the less from these observations, from believing that he sought them, and that he had a pleasure in making them; if he thought so, he could assure him, upon his honour, that he was mistaken; so very much mistaken, that the inconveniences which the country suffered at that moment from the want of a settled government, were greatly heightened to his feelings from the reflection that they were increased by his unguided ambition. Their fathers were friends, and he was taught from his infancy to reverence the name of Pitt; an original partiality, which instead of being diminished, was strongly confirmed by an acquaintance with the right hon. gentleman himself, which he was cultivating with pleasure, when he was taken from his profession into a different scene. Let him not think that he was the less his friend or the mean envier of his talents, because they had been too much the topic of panegyric there already, and both he and the public were now reaping the bitter fruits of these intemperate praises. "It was good" said Solomon, "for a man to bear the yoke in his youth;" and if the right hon. gentleman had attended to that maxim, he would not at so early a period have declared against a subordinate situation, but would have lent the aid of his faculties to carry on the affairs of this country, which wanted nothing but stability to render them glorious, instead of setting up at once for himself to be the first; because he had too hastily declared against being subordinate, and doing it under circumstances which could not but, for a time at least (the spirit of the House

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would take care it should not be long) disturb and distract all the operations of government, and disappoint the most solid interests of the public.

How very different had been the progress of his honourable friend that sat near him, who was not hatched at once into a minister by the heat of his own ambition, but who, as it was good for him to do in the words of the wise man, "bore the yoke in his youth," passed through the subordinate offices, and matured his talents in long and laborious oppositions, arriving by the natural progress of his powerful mind to a superiority of political wisdom and comprehension, which that House had long with delight and satisfaction acknowledged. To pluck such a man from the councils of his country in the hour of her distresses, while he enjoyed the full confidence of that House to give effect to vigorous plans for her interests, and to throw every thing into confusion by the introduction of other men, introduced as it should seem for no other purpose than to beget that confusion, is an evil that, if they could not rectify, they might at least have leave to lament: that all these evils were however imputed by the right hon. gentleman and his colleagues to another source—to the Bill for the regulation of the East Indies, from the mischiefs of which they had stepped forth to save the country—a language most indecent in that House of Commons, which had thought it their duty to the public to pass it by a majority of above an hundred; but was however to be taken to be destructive and dangerous, notwithstanding that authority, because it had been disapproved by a majority of nineteen votes in the Lords, some of whom he reverenced as conscientious and independent opinions; but the majority of which small majority voted upon principles, which the forms of the House would not permit him to allude to, farther than to say, that individual noblemen were not always *gentlemen*. The whole opposition on the score of India was a *pretext*, the opposition being equally violent before it was brought forward, on the principles of the coalition between Mr. Fox and lord North, which Mr. Erskine then proceeded to defend on its true grounds; and concluded with saying, that the appeal to the candour of his friend, Mr. Fox, to wave that priority which he was fairly in possession of according to the forms of the House, was, he persuaded himself, impossible to be acceded to; because, though liberality and good humour were his ruling characteristics in private life, he was tenacious, and justly tenacious when in a public station. He was acting as the guardian of those public rights, which, of all other men, he was the most fitted at any time, but particularly in such a time, to support and defend. Whether England should have a government, was more important than whether India should have one, and that therefore he should insist on pressing the committee on the state of the nation to the proposition of the right hon. gentleman, which would come forward without the loss of an hour, unless he himself occasioned its delay, by disputing the necessity of those resolutions, which his friend Mr. Fox would move in the committee, for the security of the public and the existence of parliament.

Mr. *Powys* assured the House that he was not agitated by any of that heat or violence which he saw but too evidently was rising in their minds. He lamented that it was so, and he was happy that he was absent at the time when the Bill which gave occasion to all this heat was thrown out. He wished it had been thrown out by that House rather than by another branch of the legislature, but he rejoiced that it was defeated, for it was charged, in his mind, with great and alarming consequences. It was certainly the opinion of every man, that a Bill was immediately required for settling the government of the East Indies, and as the right hon. gentleman had said he was ready to bring in his Bill, it surely ought to be their immediate desire to give him the opportunity. He called not for concurrence, but a hearing. But it was said, the House met under the dread of a dissolution, and it was wished that in the committee on the state of the nation they should come to some resolution to guard themselves from this danger. If this was their fear, why not at once bring in a Bill to prevent the dissolution of the present parliament? Was it the minister to whom they objected? Why did they not say so? They ought not to have suffered a day to pass without declaring that he had not their confidence. They had been strangely negligent of their duty not to have done so before the recess. Was it that they believed it was impossible for this country to be governed well, or to be governed at all, unless it was in the hands of the noble lord and the right hon. gentleman? If this

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was the case, why did they not say so? A fair, distinct and audible exposition of their designs would be better than propositions remote and equivocal. The fact was certain, that the House was pledged to the discussion of the India business; it was their declaration to the throne, that they would immediately pursue it; and as it was said before as an argument with some men for voting for the last Bill, that they had no option because there was no other, no less violent measure, he wished the option might be given, and that for this express purpose the right hon. gentleman might have an opportunity of bringing in his Bill.—But as he knew that the present was a trial of strength, he was sensible that all argument was frail and frivolous. He presumed, however, to remind the House of the great points of their duty; that it was certainly their first regard to attend to the welfare of their country rather than to the aggrandizement of this or that party; for while they were struggling for power, and contending for points of particular interest to themselves, it was literally death to the country.

"Quicquid delirant reges, plectuntur Achivi." He wished to heaven, therefore, it were possible to put an end to the contests of faction, and to bring those men to act together again, who, while they were together, did so much for their country. It would immortalize the man who could accomplish this great reconciliation; for he confessed he viewed without much consolation the state of the present ministry. He could not be fond of an arrangement formed to the exclusion of such talents, strength, and character, as were to be found in this country. He could not be very fond of an administration which had not the noble duke who was at the head of the last Treasury in it, which had not the integrity of the last Chancellor of the Exchequer, which had not the commanding talents, the unconquerable genius of the right hon. gentleman over the way. Though he was thankful that a Bill had been thrown out which vested in the persons of the last ministers a power paramount to all control, and which, in his mind, would have given a death-blow to our frame of government; a Bill brought in to gratify the inordinate ambition of the movers; he could not be greatly pleased to see so much ability and strength excluded from the councils of the crown, at a time when this country required so much the efficacy of great talents and of general unanimity. In one point, however, he was highly gratified, for he had not the mortification to see any of those persons in the ministry who had contributed to the loss of America. He thought it was the duty of the House to pay respect to the modest request of the ministers. They asked only to be heard, and surely in so important a matter they ought most seriously to listen to them.

Mr. *Fox* then rose. It is, Sir, said he, without much propriety that the right hon. gentleman deprecates harsh terms and censure upon ministers, when he has so long and with so much asperity attacked those who now sit on this side the House. It is rather unjust and partial in him to deprecate that in others which he has so profusely practised himself; but he may be assured that I shall not deal much in asperity and crimination; I shall endeavour to discharge my duty, whether I am here or on the other side of the House, with perfect candour and fairness. I wish not to give any delay to the India business. It is the duty of the House to go into the discussion of it without loss of time, and I wish them to go to it as soon as it is possible for them to go to it with any probability of success. To do that, we must go to it with freedom, we must go to it unembarrassed, and that I aver we cannot do, while the danger of a dissolution hangs over our heads. That we are under this danger, is clear from the whole of the conduct of ministers since they came into office. The Answer of the throne to the Address clearly speaks this language to the House: "If you dare to assert an opinion of your own, nay, if you do not, without any argument or reason, change your sentiment on this ground, you shall be dissolved; but if you do change your opinion, if you do support the ministers of the day, you may live. Long life and prosperity to the present parliament!"

The right hon. gentleman has called himself the minister of the crown, and never, perhaps, was a name given with more propriety, for he was the minister of the crown; at least, he was not the minister of the House of Commons. If he was not the minister of the crown, or rather of the advisers of the crown, he was not the minister of the country. But it was said, What! would you interfere with the prerogative of the crown? It is the prerogative of the crown to dissolve the parliament. Now, it had been denied by many great lawyers that there was a prerogative of the crown to dissolve the parliament during a

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session, and while business and petitions were pending. Of this, however, he was certain, that there had not been an instance since the Revolution of any such exercise of the prerogative, if it did exist. Amidst all the contentions of party, since that glorious period, the parliament had never been dissolved during the business of a session. In the reigns of the miserable family of the Stuarts this sort of violence was not uncommon. Charles 1, had done it; Charles 2, had done it; James 2, had done it; and it was remembered—he hoped engraven on the minds of Englishmen—that when this violent measure was last perpetrated, which was by James 2, that monarch had not been allowed to meet another. He dissolved one parliament in the middle of a session, and it put a period to his violations of the constitution, and to his reign. Great authorities had declared it as their opinion, that the crown did not possess this prerogative. Lord Somers, for instance, in a pamphlet which he published, asserted the doctrine; and he quoted lord Somers, because he was said to be the type of him who now held the seals. To be sure, there were points in which the resemblance was peculiarly striking. In some, however, it failed, as in the particular of his succeeding to the seals after they had been held by a jobbing commission. This was an imputation which the rankest enemies of the late commissioners could not allege against them, as was another to which the first commission was subject, that delay had been grievous to the suitors. This was an imputation which would not be brought against the late commissioners, whose regularity, alacrity, judgment, and fairness, had been the subject of universal praise. Whether it might not be ascribed to others more pompously held forth as the patterns of lord Somers, he could not say. But the present holder of the seals was like this great character, for lord Somers was remarkable for the affability, the mildness, the politeness of his manners; he was all gentleness and condescension; active and indefatigable in the performance of his duties; burning with the love of liberty, and zealous in the cause of the people. These, undoubtedly, were the peculiar characteristics of the present holder of the seals; and he, no doubt imitating the great example of his archetype, equally inflamed with the sacred enthusiasm of liberty, would stand up and declare, that it was not consistent with the king's prerogative to dissolve the parliament during the sitting of a session. Lord Somers supported this opinion on the act of king Richard 2. Mr. Fox said, he could not go with him that length, he was not lawyer enough to enter on the subject; but he did think that the necessity must be great indeed, which could justify the advisers of the crown in a measure so violent and alarming as that at the best must be.

It was for the purpose of moving a very necessary and proper resolution to guard themselves against this danger, that he was anxious to go into the committee: but, says the hon. gentleman, it is not right to disturb government; we ought not to have opposition, 'delirant reges, plectuntur Achivi;' if he might be permitted to give the political, instead of the direct and classical meaning of this text of Horace, he should say, it was that the ministers of the king go mad, and the people suffer for it. He had no wish to make the situation of ministers unpleasant to them; but he desired at the same time that their own situation should be secure. He denied that they might go into the committee to make it impracticable for ministers to dissolve the parliament. He knew that this had been thrown out as the design of ministers, to intimidate the House that they meant to do this. How had their implicit panegyrist said, if there was not a majority they would go down again to the people; they would appeal to the people; and they stood better with the people than their opponents—a story of which he did not believe one word. He fancied that this measure might depend on the issue of the question of that day; he believed, that if ministers found the House of Commons firm in their integrity, that they were not to be shaken by any, or by all the temptations which were held out, then he would be bound to say there would be no dissolution, for they would not venture to meet the consequence of a House of Commons rendered so vigorous by honesty and determination: but if they found them waver, if they found them timorous and unsettled, or corrupt and tractable, dispositions which he did not believe the present House of Commons would ever be found in, then the parliament would be dissolved; for though they might gain a particular question, they would not think themselves sufficiently fortified without a dissolution: and if they went down again to the people, he assured the House, they would depend more

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on certain advantages in certain marketable boroughs, than on the opinion of the people.

But why not suffer the right hon. gentleman to move for his bill first, and go into the committee on the state of the nation afterwards? For the clearest of all possible reasons. Because, if they were suffered to pursue this course, they feel the pulse of the House, and finding it is disagreeable to them, the next day dissolve the parliament; whereas, by going into the committee, measures might be taken to guard against a measure so inimical to the true interests of the country.

The bill to be brought in by the right hon. gentleman, if he might argue from the resolutions and ideas thrown out in the public newspapers, was, in his mind, subject to infinitely more reprobation than the bill lately thrown out. It arrogated more influence, and it was an influence more dangerous, because less open and avowed. It was a secret in opposition to a public, responsible influence. The bill infringed on all the chartered rights of the Company, for the menaced violation of which they had been so loudly censured. It gave to the ministers all the patronage of his scheme, but it perpetuated the abuses which his Bill intended to remove. With every imputation of violence, it had not the merit of efficacy, for it went to the establishment of a distracted government, the disunion of which would be its weakness. It followed Mr. Dundas's bill in the creation of a third secretary of state, and it did very little more than renew the bill of 1780. It possessed all that was objected to in the late bill, without containing any of that matter which was commended. It was to give an addition of patronage without energy, and of government without unity; it was impossible, in his mind, that the House of Commons could agree to this Bill, and he had too high an opinion of them to believe that it would ever be carried into effect.

It was said, that he had got possession of the House by management, and that it was unfair; he conceived it to be the contrary. This day was appointed for going into the committee on the state of the nation, and in order to prevent confusion, in order that it might not be made merely what it had been called, a question of strength, he had come down early to move for the order of the day, that the House might come regularly to a question which he intended to move in the committee.

"But if the present ministers were disagreeable, it was said, why not move for their dismission?" He did not think this was the precise way; he thought it was more advisable to give the most decided disapprobation of the principles upon which they came into place; and that they had done. They had declared these principles to be unconstitutional, and that they had come in on terms as disgraceful to themselves, as they were alarming to the country. An hon. gentleman had rejoiced in his absence before the recess, and indeed it was favourable to his repose that he was so; for thinking as he did of ministers, wishing them well, and meaning to support them, it must have been grating to him to have observed the low and shameful means by which they got into office. He had wished that the late bill had been thrown out by any other branch of the legislature; this was really ingenious; he never heard an obscurity more oratorically argued; but it was this to which he in particular objected: it was thrown out ostensibly by the House of Lords; but actually by the secret influence of the crown: it was by means of secret influence unconstitutionally exerted that this had been accomplished. But it was said, what evidence have you of this besides that of rumour? To this he would say, that he had rumours so strong, so substantiated, that it was impossible to withhold credit from them. In every corner they met one. He and his noble friends were ministers at that time, and they had no authority to contradict the rumour. Those men who were the authors, or given out as the authors of the rumours, were in that House, or there were persons nearly connected with them there, and they did not when called upon come forward to contradict the story. All this was pretty strong evidence that the rumour was true. But to be sure it was below the dignity of some men to attend to rumours, or to contradict them; yet it was to be remembered that the House upon that rumour had addressed the throne.

"But it was no new thing for men not in office to give his Majesty advice." Perhaps not; but it was a new thing for men having given such advice, to come forward and use the royal name to influence votes. "Oh, but this is nothing, say they, if they avow their advice." To this he answered, that it was something very material; for when any others than

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those who were by their office and duty responsible, advised the King, their acknowledgment depended on their precarious magnanimity, a dependence which the constitution would not respect.

An hon. gentleman had talked of his inordinate ambition. He confessed he was ambitious; but if his ambition was inordinate, who, after a pretty long parliamentary attention, aspired only to the second place, what must the quality of the present minister's ambition be, who aspired to the first place, and who disdained subordination? The hon. gentleman rejoiced, he said, that he saw none of those in the cabinet who brought on the American war. He supposed he meant only he saw none of those in the House, for it so happened, that the Chancellor of the Exchequer was the only minister in that House, and he certainly was free from the American war; but the hon. gentleman must see with strange eyes indeed, if he saw no members in the present cabinet who contributed to the loss of America. His eyes at least were different, for he could see several who were most deeply involved in it.

But the hon. gentleman still wishes for more coalitions. It had always been his idea that there were, in cases of political variance, but two means to be used. The one was, in case of delinquency, to inflict public censure; and where that was not pursued, public oblivion. This had been his motive in coalescing with the noble lord; but in so doing he had lost the good opinion of the hon. gentleman; a matter very dear to him. He had many great friends, however, who, agreeing with him in his idea, had their sentiments on other topics, and who might say to him, "What, would you listen to the invitation of this hon. gentleman, and coalesce with men who support secret influence? Would you coalesce with men who disdain to stand on the influence of good opinion, on the sentiments of the people, on the confidence of parliament? Would you forget all the doctrines in which you have been bred? Will you creep into office by the back-stairs, which you so loudly, and, as we think, so justly reprobate? or to take these men with whom you are invited to join, even on their best plea; would you make part of an administration which stands on the House of Lords, in preference to the House of Commons? You who have constantly reprobated the principle of secret influence; you who have always declared that you could only pay respect to or take a share in that government which flowed from the opinion of the many, and not from the personal favour of the advising few; would you so far forget the habits in which you have been bred, as at last to coalesce with those who have become the instruments of this accursed, abhorred secret influence? We cannot believe you to be capable of such atrocious apostacy from all principle." This he imagined would be their language, and he thought, though he might not go so far himself, they would be perfectly justified in this address to him. He was one of those who imagined that nothing was so injurious as that men should conceive perpetual enmities to one another, because they had been hostile in debate. This he knew was the principle propagated by the secret advisers of the crown, because there was nothing which they hated so much as confidence and connexion. To destroy connexion, and to prevent it; to separate those who were joined, and to keep those asunder who had accidentally differed, was their great object; for it was only by dividing men that they could expect to prevail.

But, says the hon. gentleman, the minister is not inordinately ambitious; for last year, in less embarrassing circumstances than the present, he refused to become the minister. It was difficult to say why, having refused last year, he had accepted of a worse thing this. It could only be reconciled on the principle, that a man having refused a good thing, felt such regret that he dashed into the first bad thing that offered. Perhaps he refused to come in last year, because then the principle would have been equivocal. He came in now, because in doing so he published a manifesto exposing the principles on which he acted.

It was said to be a trial of strength. It was no trial of strength between the present ministers and those on his side of the House. If it was a trial of strength, it was whether this country was in future to be governed by a ministry supported by that House, or by the secret advisers of the crown? This was the question at issue, and he trusted it would be very soon decided.

In regard to the prerogatives of the crown, if from the little that he had read he might be allowed to state an opinion, those who had read more, and spent their lives better, might be able to correct him;

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but it was his idea, that the rights of the crown, as well as the rights of parliament, were not always to be exercised merely because they were rights. For instance, it was the privilege of the House of Commons to refuse supplies to the crown, and nobody would dispute it; but it was like many of the prerogatives of the crown, a privilege which could not be put into practice without much confusion; for who was to suffer? The supplies were granted to the King first undoubtedly; but they came to the people at last, and they must suffer if they did not come. It was so with the prerogative of dissolving the parliament during a session; it was so with the right of the crown to appoint ministers not possessing the confidence of the people. The theory of our constitution consisted in checks, in oppositions; in one part of our legislature bearing up against and controlling another; but it was the practice of good men to moderate the temper of the constitution, and in this pratice a happy medium had been hit on at the glorious æra of the Revolution, temperate and accommodating, the good effects of which we had experienced for near a century; this was the road which many men, now in the opposite side of the House to him, had set out in. He recalled to their memory the case of lord Carteret and Mr. Pelham, where the first, a man of more ability than the last, was supported by the secret advisers of the crown; but the Commons properly addressed the crown to state that he only could be a minister with effect who had the confidence of the people. Would the earl of Chatham have been brought into the closet of the King? Would he have meanly condescended to join with secret advisers, and have been made the dupe of a wretched junto? How was he treated by that junto? The moment he became formidable, he was attacked; but, by his manly determination he overcame the secret influence, and the King lived to rejoice that he had conquered his prejudices. When it depended on secret influence, the government never could be lasting, for it was the nature of jealousy to be capricious. One would imagine that we could not be jealous of that person whom we ought only to despise; and that on this principle the present cabinet would be safe, for it was composed of men who were in general of that description which folly itself could not be jealous of; but even they would not escape; by-and-bye they would be suspected in their turn, and whenever they were established, they would be dethroned. But the present minister and his runners boasted that he had the complete power, and was enabled to offer peerages and every thing which the crown was entrusted by the constitution to bestow. Why had not we the favour, says he? Because we had the misfortune to have the confidence of the House of Commons. Why have the present ministers got it? Because they do not enjoy the confidence of this House. Would any man believe that the earl of Chatham was personally disagreeable? Surely not; it was because he had the good opinion of his country. They now paid his son a bad compliment, for they took him up because they believed him to be unsupported. By-and-bye he hoped he would become as just an object of jealousy as his great father was, and he trusted he would then act as he did. Party was vulgarly said to be the madness of many for the advantage of a few; but this was the advantage of it, that it gave stability to sytem, and therefore he had always been a party man. The secret advisers hate parties, not leaders. The question was not who shall be the leader, but on what principles they shall lead. It was a question therefore that differed from all other party questions; for it was a question of all parties against these secret advisers—between the House and a dark junto. He called on them therefore to go into the committee on the state of the nation, that they might prevent their dissolution, that they might not let the fears of death perplex their fancy; and when they had come to a resolution which would effectuate this, they might then enter on the India bill with security and spirit.—"But nothing had yet happened to make the dissolution of the parliament necessary." No! What did that signify? What but that something might happen, which might render it necessary. Let us, said Mr. Fox, go into the committee, and render it impossible. Let us preserve the beauty of our constitution; of that happy practicable equilibrium which has all the efficacy of monarchy, and all the liberty of republicanism, moderating the despotism of the one, and the licentiousness of the other; that which was in theory proved to be fallacious, but which has been, since the Revolution, so pure as well as so effectual. This was his object, and he called upon the House to accompany him to the committee.

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Lord *Mulgrave* said, that the allusion made by the right hon. gentleman to an expression which had fallen from him on a former occasion, rendered it necessary he should explain himself. It was true he had used the words, 'jobbing commission;' but it was to the commission itself, not to the commissioners, that he had applied the expression. He had heard a great deal about secret influence, but the subject was not new, for he had heard the right hon. gentleman for many years together charge the noble lord in the blue ribbon with being the tool of secret influence, though his noble friend had constantly disclaimed it: he made no doubt, therefore, that the charge was not better founded when brought against the present minister, than when it was brought against the noble lord, who, during twelve years that he had been at the head of affairs, had never seen any thing of this secret influence.

Mr. *Pulteney* would not hesitate to say, that he was of opinion, that whenever it was suspected the House of Commons did not speak the language of the people, it ought to be dissolved: that suspicion was strongly entertained at present, as the House had passed a bill which the nation at large had reprobated; and the more resolutions they should enter into in order to prevent their dissolution, ought, in his mind, to accelerate their political death. After all that had been said about secret influence, he did not see the bad consequences that could flow from it, if it even existed; for as all the measures to be advised by it must be carried into effect by efficient ministers, they must be the meanest of men, if they should stoop to measures not their own; and on the other hand, he must be a dastardly minister indeed, who finding a parliament adverse to measures which the nation approved, would hesitate to advise its dissolution. Did any man doubt that a House of Commons might speak a different language from that of a nation at large? The support which the noble lord in the blue ribbon had met with in the Commons, contrary to the wishes of the nation, in prosecuting the American war, would soon remove such a doubt. He would not scruple to say, that the late minister formed a blockade round the sacred majesty of England, and strove to strip him of every thing, save the empty pageantry of a king.

Lord *North* said, that the apprehensions which had been entertained of a dissolution of parliament, and which had been treated as chimerical, appeared now to be but too well grounded, as the hon. gentleman said, not only that it might, but that it ought to take place; and therefore the House would be now extremely well founded in proceeding to take such steps as might preserve their own existence, so necessary at this moment of confusion and difficulty, and which was much more so to the nation than to themselves. He confessed that his fears of a dissolution had considerably subsided, when he heard the answer from his Majesty to the address of the House; for it did not strike him, that it bound the King only to suffer the parliament to meet again: in that case he would have said, that he would not prevent their meeting; but the words, 'interrupt your meeting', clearly shewed, that he meant to let them proceed to business. But his opinion had considerably changed; for now he found the friends of the minister go so far, and speak so plain, as to assert the necessity of a dissolution. Their actions, indeed, spoke as plainly as their words; for they were travelling to the different extremities of the nation, almost from the Ultima Thule to the Artic Pole, canvassing for votes. With respect to the secret influence under which he had been supposed formerly to have acted, he would repeat it, that he never felt it during the twelve years he had been in office; he never found any opposition about the court to the measures that he pursued: but it by no means followed from this, that no such influence did really exist; for if he did not find his measures thwarted, it might have been because they were relished by the secret advisers. There might have been a mine under his House, and though it was not blown up for twelve years, it was no proof that the mine was not there. It was no wonder that not knowing there was such a mine, he continued to dwell in the House; but he must be a madman indeed, who, with his eyes open, would build his house upon a mine, as his enemy might blow him up whenever he found himself disposed to do so. Secret influence, which might formerly have been problematical, was now openly avowed. A peer of parliament had given secret advice, and gloried in it. He would not say, that a peer, or a privy counsellor, had not a right to advise the crown; but he would contend, that the moment he gave such advice, he ought to

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take the seals and become a minister, that advice and responsibility might go hand in hand. The prerogative of the crown to dissolve parliament was unquestionable; but prerogative could receive efficacy only from the support and confidence of parliament; without these it would be a scare-crow prerogative, and without them the king would be nobody: but when the prerogative was supported by the confidence of the nation, it made the king somebody; it made him the greatest prince in the world; and whoever would attempt to make him great without the support of parliament and his people, would only deceive his majesty, and disappoint themselves. The hon. gentleman who spoke last says, that we wish to blockade the throne, and render the king of Great Britain nobody, and to divest him of every prerogative, save the empty pageantry of royalty. We want to do no such thing; and whoever thus wantonly and grossly misrepresents our principles and motives of conduct, only exposes his own to the just contempt and ridicule of those who know us better. Let those who insult the confidence of parliament and the public, by opposing the sovereign's inclination to their own; whose government, being the monster of secret influence, is unknown to the constitution; whose strongest arguments in favour of this preposterous and detestable influence is the trite and pitiful scare-crow of prerogative, answer to the people for rendering the king of Great Britain nobody. We only wish to recover his dignity, and to rescue him from the mismanagement of those who have thus basely and ingloriously reduced him. By restoring the public tranquillity, by giving a permanency to government, by re-establishing the independence of parliament and harmonizing the several branches of the legislature, by reviving the spirit of the constitution, and bringing back every prerogative of the crown to an open, a responsible, and an honourable exertion, our only real and ostensible object is to make our master somebody.

Mr. *Dundas* wondered that the noble lord was not able to speak more decidedly with respect to the existence of a secret influence; it was a wonder he could live twelve years over the mine without once seeing or smelling it out. The noble lord was called the active and passive instrument of that formidable secret influence, of the existence of which he might be supposed to be able to give the best evidence of any man in the world, and he could not give the least account of it: well, therefore, might it be treated as a bugbear. The noble lord had taken a great deal of pains to prove propositions so evidently true, that no man could dispute them: the king, without the support of his people, was nobody; with it, he was a great prince; but where was the ground to suppose that, in the late changes, the King had not the countenance of his people? He advised the noble lord, however, not to use out-of-the-way expressions, which might be remembered to his disadvantage, when the circumstances with which they were coupled, and would justify them, might be forgotten. Of this kind was the expression of 'scare-crow prerogative.' A learned friend of his (Mr. Lee) had been greatly misrepresented in public, by being charged with having said abstractedly, that a charter was but a piece of parchment, with a piece of wax dangling to it. He had made use of these words in a sense that was perfectly true; but these words alone were remembered, and had given rise to some prints and much satire, and particularly a friend of his (Mr. Boswell) in a public letter had asked, "What was the great harm of hanging an attorney-general? a hanged attorney-general was only a carcase dangling at the end of a rope." Mr. Dundas said, he knew nothing of the Resolution or Address of this House to his Majesty against a dissolution of parliament, till a paper was circulated against him, with a view, no doubt, to impede his election. This paper stated, that an immediate dissolution was now inevitable, and that the freeholders of the county he represented ought to withhold their votes, as one much more worthy than him would, at the general election, become a candidate. He soon understood whence these kind hints originated. He gave them no answer whatever; they deserved his contempt, and they had it. But this anecdote was a proof in point, that every species of secret influence was not confined to his Majesty's ministers, nor even to the closet advisers, as they were called; but that even those who raised the greatest clamour against whatever could bias the minds of the electors, could, to promote their own factious and aspiring ambition, descend to the same arts.

General *Conway* was astonished at the new doctrine that he had this day heard from a new minister, "that he held it his

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duty not to make comments, or give verbal explanations of an answer given by his Majesty to that House." Hitherto he understood that every speech and answer from the throne was to be considered as coming from the minister; but he was this day taught by a new minister, that all former opinions on this head were unconstitutional. Those who were advocates for the absolute prerogative of the crown in calling and dissolving parliaments, unchecked by discretion, ought to look back to the history of this country. Charles 1 used to dissolve parliaments at his pleasure, as did also Charles 2. The unfortunate James 2 trod in their footsteps; but these dissolutions cost the first his head, and the last his kingdom. He then drew a contrast between the earl of Chatham and his son, the present minister: the former quitted his office because he found about the throne something greater than the King himself; while the latter was avowedly introduced into the cabinet by that very something which had driven his noble father from it. The wording of the King's Answer, which the minister refused to explain, was obscure. Why could not the right hon. gentleman come forward, and declare openly and unequivocally, that the parliament was, or was not to be dissolved? This was a point on which the House had a right to call for an explanation. The aspect of things, said the general, in this country at present, does strike me as not a little problematical and portentous. A ministry forced upon this House against their consent, submitting to situations which must load them with contempt, and evidently meditating a dissolution of parliament in circumstances of the most alarming nature, are objects which it is impossible to contemplate without horror and astonishment. And what is it we possess to alleviate this uncommon pressure, or, in the midst of so much obscurity and suspense, afford the least glimmering of hope? The spirit of the representatives of the people alone seems to rise with the dangers which threaten their privileges. It is now that the House of Commons answers the end of its institution, and proves itself, not in speculation, but in practice, the glorious palladium of our rights.

Mr. *Pitt* replied to a variety of matters that had been urged against him in the course of the debate, as well on the ground of secret influence as on the principles on which he had come into administration. He declared he came up no backstairs; that when he was sent for by his sovereign to know whether he would accept of office, he necessarily went to the royal closet; that he knew of no secret influence, and that his own integrity would be his guardian against that danger: but the House might rest assured, whenever he discovered any, he would not stay a moment longer in office. I will neither have the meanness to act upon the advice of others, nor the hypocrisy to pretend, when the measures of an administration in which I have a share are deserving of censure, that they were measures not of my advising. If any former ministers take these charges to themselves, to them be the sting. Little did I think to be ever charged in this House with being the tool and abettor of secret influence. The novelty of the imputation only renders it so much the more contemptible. This is the only answer I shall ever deign to make on the subject, and I wish the House to bear it in their mind, and judge of my future conduct by my present declaration: the integrity of my own heart, and the probity of all my public, as well as my private principles, shall always be my sources of action. I will never condescend to be the instrument of any secret advisers whatever; nor, in any one instance, while I have the honour to act as minister of the crown in this House, will I be responsible for measures not my own, or at least in which my heart and judgment do not cordially acquiesce.—With regard to the questions put to him as to the dissolution, it did not become him to comment on the words of a most gracious Answer of the sovereign delivered from the throne; neither would he presume to compromise the royal prerogative, or bargain it away in the House of Commons. When his hon. friend, in whose hands he considered his honour to be as safe as in his own, before the recess, in his name, and by his authority, pledged himself to the House that he (Mr. Pitt) would not advise a dissolution, such at that time had been his real sentiment; he could not at present say more, but he hoped nevertheless the House would now consent to receive and go into the consideration of his India Bill.

Lord *North* warmly replied to Mr. Pitt's attack upon him, which he declared was the most gross and scandalous he had ever heard in parliament. He flatly and explicitly denied the charge of acting either

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meanly or hypocritically on any occasion whatever. His lordship explained his conduct, and having cleared himself, desired to give back the terms 'meanness' and 'hypocrisy' to the right hon. gentleman: they might belong to him; he would have nothing to do with such epithets.

Lord *John Cavendish* lamented, that the prerogative of the crown should have been of late so often mentioned. He said, he had heard it more frequently within those walls during the last ten months, than the preceding thirty years.

Mr. *Sheridan* attacked Mr. Pitt in terms of great severity. He said, that as the right hon. gentleman applied hard words to other gentlemen, he should take the liberty of attacking him with the same weapons. The right hon. gentleman had behaved that day, not only with the utmost hypocrisy and meanness, but had held language the most insulting and the most unconstitutional he had ever heard. He reminded the House of Mr. Bankes's words before the recess, when he had pledged himself to the House, as he declared, by the authority of the right hon. gentleman, that there should be no dissolution nor prorogation; and had said, his right hon. friend not only would not himself advise any such measure, but would hold himself bound to quit his office if any such measure was adopted by his colleagues. Mr. Sheridan reminded the House also, that Mr. Bankes had desired to be furnished with stronger language to express what he said to the House, if the House were not satisfied with his words. He also attacked Mr. Dundas with considerable poignancy of wit and humour. After answering the serious parts of his argument, he touched upon the pleasant points in his speech, and said it was so unusual for the learned gentleman to indulge himself in merriment, that he presumed the success that had attended the arts practised to corrupt the majority during the recess, had given him a new flow of spirits, and encouraged him to think he should keep his place. The learned gentleman seemed to be in better humour with newspapers than usual; his speech might fairly be deemed hints for paragraphs and sketches for prints. He did not doubt but his hint was already taken, and that the next morning they would see the print he had recommended: he hoped, however, they would be favoured with a companion; and that another figure, a striking likeness of the learned gentleman, would be engraved, with a scroll out of his mouth, on which should be written, "Appeal to the People." Another print might also contain a similar figure, and underneath might be written, "An Advocate for Chartered Rights," which might be symbolically expressed by his holding his own India Bill in his hand. After diverting the House excessively with these and other laughable ideas, Mr. Sheridan returned to seriousness, and read a passage from the Journals in the reign of Charles 2, to shew that secret influence then prevailed; and what was not a little remarkable, he said, the agent's name was Temple; but he happened to be only in progress to nobility, and was a simple baronet, not a peer. He went at considerable length into the question at issue between the prerogative of the crown and the privileges of the Commons, and illustrated by several very apt and beautiful examples, the new idea of Mr. Fox, that the practice of our constitution was more perfect than the theory.

General *Ross* explained the manner in which he had voted during the three sessions that he had set in parliament. At length the general called upon the House to pay attention to two facts worthy their notice. The one was, that he had been sent for by a noble lord, to whom he was perfectly well known; that the noble lord had questioned him as to the manner of his voting in parliament, and had told him his name was down in the list of members who always voted with Mr. Fox: that he had been surprised at hearing this, and declared he had given no authority to have his name put upon any such muster-roll; but he acknowledged he had generally voted in that manner, and while he entertained the same good opinion of Mr. Fox and his friends, and thought their measures right, he would continue to vote with them. Upon this the noble lord informed him, that if he voted against the new administration on the 12th of January, meaning that day, he would be considered as an enemy to the King. The general declared his feelings were shocked at this information, as he would not suffer any man to control his vote. The general proceeded to state his other fact, but the hum and buz this piece of intelligence occasioned, prevented our hearing the rest of what he said.

Mr. *Lee* said, what had fallen from the worthy general ought to have more weight with the House than all the arguments,

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excellent and powerful as he was ready to confess they were, that had been used in favour of the motion for the order of the day. Here was no longer a mere rumour of influence to be shuffled off under the pretence of its being a rumour, here was a direct and palpable proof of undue influence having been practised on a member of that House. Would gentlemen want any stronger justification of the resolution come to by the committee before the recess? Surely no better proof was necessary, no stronger need be required. A learned friend of his had done him no more than justice in declaring, that he did not believe on a former occasion he meant to talk lightly of charters. He certainly did not, and however his expression might have been thought too flippant or too full of levity for such a subject, had he been talking of six acts of parliament he should have said exactly the same. He had not merely talked of charters generally so considered, but of the East India Company's charter, as peculiar and distinct from all others; as a charter which had proved a curse to mankind, had been productive of infinite mischief, and which, compared to the object to be gained by its intended violation, the safety and happiness of thirty millions of people, and the preservation of a mighty empire, was and ought to be of little or no consideration. With regard to the idea, that to violate charters was to violate the constitution and to infringe upon Magna Charta, there was not a penal statute which authorized summary proceedings, as in the great and important cases of a man's taking a hare or a partridge, that was not unconstitutional, and did not trench upon Magna Charta. They all authorized committing a man to jail without trial by his peers. Mr. Lee enforced this with other instances, and said, as it was well known that every subject in the kingdom might petition the crown either to call parliaments together or to dissolve them, it was absurd to suppose that that House could not do in its collective capacity as the representatives of the Commons of England, what every one, the poorest and meanest of their constituents, was legally authorized to do.

Lord *Frederick Campbell* said, he had voted for the Address, because he thought the going up to the throne upon such a business perfectly constitutional and becoming; but there he would make his stand, and would go no farther. He construed the Answer they had received as a most gracious one, and he was persuaded no man would dare, after such an answer, to advise a dissolution. He declared he saw no reason for going up with another address, and therefore he should vote with Mr. Pitt. He was anxious to see the Bill; he had voted for the other Bill, and whichever Bill appeared to him to be the best, let it be whose it would, he cared not, by that he would abide.

Mr. *Rigby* said, he came down fully convinced that no dissolution was intended. His Majesty's Answer to the Address of the House had filled his mind with the very same sentiments as were entertained by the noble lord who had spoken last; nor should he have altered these sentiments but for what he had heard in the debate. He was now convinced that a dissolution was intended. If the noble lord had but attended to the ministers, their conduct must have flashed conviction upon him. Was it not obvious that they were afraid to speak out; that they dared not rise and say at once, there would be no dissolution? Mr. Rigby said, perhaps there were so many ministers, some the House did know, and some the House did not, that while the one set were acting one way, another were planning and proposing other measures elsewhere. Perhaps the Answer given to the House from the throne before the holidays, was the production of the minister who had been in office but six hours; and being now out of office, being only ostensible and not efficient, the present ministers were not responsible for it, and thus sheltered themselves from not fulfilling it. Be it whose it would, if any minister had put such a fallacy into the most sacred mouth in the kingdom, with an intention to deceive that House, he had grossly insulted that House, and been guilty of a piece of duplicity, of an act of meanness, that would have disgraced the lowest pettifogger in practice; a Newgate solicitor, he was persuaded, would have been ashamed of such a low, scandalous mode of deception. Mr. Rigby said farther, that the minister of the day had not only acted in a very strange manner, but it was a little extraordinary that his friend happened not to remember what had passed between them only three weeks ago. Why did not the minister speak out? He had used the most unconstitutional language that day he had ever heard within those walls. Not comment on the Answer from the crown! No! What were all the speeches from the throne then? Was it

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not the constitutional privilege of every man in that House to treat the speech from the throne with the utmost freedom? Besides, it was the peculiar duty of ministers to answer every constitutional question put to them in that House, not the questions of individuals indeed, but such as clearly carried in them the sense of the House in general. Mr. Rigby conjured gentlemen to take care of themselves; they had no possible means of securing themselves from the horrors of hasty dissolution, but to vote manfully in the committee for such constitutional and personal questions as should seem most likely to answer the end proposed.

Lord *Maitland* begged to know of general Ross, whether the noble lord alluded to in the intelligence that he had communicated relative to undue influence having been practised on him, had any office in administration, or near the person of the sovereign?

General *Ross* declared, the noble lord in question was a lord of the bed-chamber.

The question being put, "That the orders of the day be now read," the House divided:

Tellers.

Yeas	Lord Maitland - - -	232
	Mr. Byng - - - - -	
Noes	Mr. Steele - - - - -	193
	Mr. Robert Smith - -	

Debate in the Committee on the State of the Nation respecting the issuing of Public Money not appropriated—On deferring the Mutiny Bill—On the Appointment of the present Ministers, &c.] The House, at half past two in the morning, went into the Committee on the State of the Nation.

Mr. *Fox* moved, "That it is the opinion of this Committee, that for any person or persons in his Majesty's Treasury, or in the Exchequer, or in the Bank of England, or for any person or persons employed in the payment of the public money, to pay or direct, or cause to be paid, any sum or sums of money, for or towards the support of services voted in this present session of parliament, after the parliament shall have been prorogued or dissolved, if it shall be prorogued or dissolved before any act of parliament shall have passed appropriating the supplies to such services, will be a high crime and misdemeanor, a daring breach of the public trust, derogatory to the fundamental privileges of parliament, and subversive of the constitution of this country."

This was supported in a very able speech from sir Grey Cooper, and another from lord North. It passed without a division.

Mr. *Fox* next moved, "That it is the opinion of this Committee, that there be laid before this House accounts of the several sums of money issued, or ordered to be issued, from the 19th of December, 1783, to the 14th of January, 1784, inclusive, to any person or persons, towards naval services, and for the charges of the office of Ordnance, or to the secretaries of his Majesty's Treasury, or to the governor or clerks of the Bank of England, on account of the paymaster-general of his Majesty's forces, or in any other manner whatever, for and towards services voted in the present session of parliament, but not yet appropriated by any act of parliament to such services." And to this he would add, "That no monies should be issued for any public service till that return was made, and for three days afterwards."

Mr. *Brett* said, that this motion would stop the whole machine of government at once; that there were Exchequer bills and other bills daily coming due, and that infinite mischief would ensue from such a resolution being adopted. It was enough for him, however, to have warned the House of the danger of the measure; and he desired, for one, to be considered as having washed his hands of it altogether.

Mr. *Fox* replied with great pointedness, and appealed to the conduct of opposition previous to the recess, as an unanswerable testimony of its moderation, and the caution with which all its measures had been taken, under the obvious design of abstaining from any one step that could, in the most distant degree, tend to embarrass ministers in their management of the national business, or affect the public interest. He said, if any mischief did ensue in consequence of the resolution passing, ministers and their adherents ought to take the whole blame upon themselves for having made such a resolution necessary to be voted by that House in its own defence. They were answerable to the country for all the confusion and anarchy they had occasioned, and all that might hereafter happen in consequence of the rash and inconsiderate conduct their absurd and mad ambition had prompted and brought on. Of that the hon. gentleman could not wash his hands; and, therefore, while he stood chargeable as being a par-

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ticipant in creating the cause of an extensive mischief, it was ridiculous and idle for him to endeavour to clear himself from bearing his share of responsibility for the consequence. If any particular sums likely to become due, and to be drawn for within a few days, could be stated, he should have no objection to insert words in the resolution, providing an exemption for such specific sums.

Mr. Hussey was proceeding to put the question on the first motion, when Mr. Brett rose again, and urged some farther objections as to the proposition of restraining the issues of public money.

Sir *Grey Cooper* said, the motion then about to be put was perfectly innocent, and such as the hon. gentleman's objections could not be applied to, as it was merely a motion for an account of issues already made. Sir Grey stated, that such an account might be made out the next day; and therefore, though the other motion, which the right hon. gentleman had read, might be attended with some little inconvenience, it could be but of trifling consequence, as the restraint it ordered was to be in force only five days in all, three after the return to the motion, then in the chairman's hand, was made.

Mr. *Pitt* said, he meant to urge no objection, because he was convinced it would be fruitless. He thought it fair, however, to declare, that when the return was made, the House would find issues had been lately made as the necessities of public affairs required.

Mr. *Fox* said, he had no doubt of the fact; and he was persuaded, no man would consider ministers as at all to blame for having directed those issues. They had only done what every preceding administration had done before them; and without doing which, he was perfectly conscious the public business could not possibly proceed. As it had been suggested that the second motion might prove inconvenient; and as nothing could be farther from his thoughts, and the thoughts and intentions of those with whom he had the honour to act, than to do any thing that might embarrass government, and distress them where they ought not to be distressed, he said he would willingly wave the second motion for the present; but he hoped what had passed would serve as a notice to the House, that the same motion would be brought forward in a few days, if the same occasion for it should continue to exist.

The resolution for the account of the issues lately made, was then proposed, and carried.

Mr. *Eden* observed, that the manner in which his right hon. friend had withdrawn the motion, purporting to restrain the farther issuing of public money for a few days, upon a suggestion that it might possibly occasion some inconvenience, was one proof among many of the extreme caution, moderation and delicacy, with which the late ministers and their friends were disposed to act. He desired, however, to inform gentlemen who might otherwise feel some uneasiness upon the subject, that the withdrawing this vote did not open any facilities for the menaced dissolution of parliament. In truth, it was become politically impossible, under the first resolution, for one sixpence to be paid either to the army or navy, or to any of the public services of the year, if a dissolution should take place prior to the act of appropriation. He added, that there were some other inferences resulting from his right hon. friend's first proposition, which well merited the attention of every man in the kingdom, and which he trusted would, in the first hour of quiet recollection, be properly felt, and generally understood. To the advisers, if any there were, of an intemperate use of acknowledged prerogatives, it was an intimation that such advice would produce nothing more than a strict assertion of parliamentary rights. To the ministers of the day it was a lesson upon the temerity of undertaking the government of a people, without possessing the confidence of their representatives. To the Treasury-board, the auditor of the Exchequer, and the Bank directors, it was a notice, that the House of Commons, which had only originated its grants, and still retained the legal right to control and qualify those grants, would not permit them to be made the instruments of public mischief and confusion. To the members of that House it afforded the satisfactory assurance, that a consistent firmness and conscientious freedom of conduct had not exposed them to be harassed and disturbed by expensive and vindictive re-elections; and lastly, to the public at large, it gave this great consolation in the midst of the present convulsions of good government, that it was an utter impossibility to add to the various difficulties of the times by the rash dissolution of a parliament, which (previous to the late interruption) was industriously and honestly employing

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itself in the protection and improvement of the revenues, the commerce, the public credit, and the possessions of this kingdom.

Mr. *Fox* said, what he had hitherto proposed was with a view to provide against a sudden and immediate dissolution of parliament: he had one motion more to offer, calculated with a view to prevent a dissolution at a more advanced period. That was the only motion he should propose then; but as some other gentlemen had motions to make, he hoped the House would not separate, when he had moved the resolution he had just alluded to. This resolution was, "That it is the opinion of this committee that the chairman of the committee be directed to move the House, that the Bill for punishing mutiny and desertion, and for the better payment of the army and their quarters, be read a second time on Monday the 23d day of February next." This would allow ample time for passing the Bill into a law before the present Act expired.

Mr. *Pitt* said, he had no objection; but the right hon. gentleman seemed not to be aware that his object would be as fully attained without the resolution as with it; since he would at all times have it in his power to prevent the second reading of the Bill till his end was answered.

Mr. *Fox* admitted the truth of the observation, but assigned his reasons why it was necessary to have the matter stand formally entered on the Journals.—The resolution was agreed to.

The Earl of *Surrey* made a few general observations on the critical and alarming situation of affairs, and of the events with regard to a change of ministers that had lately taken place, after which he moved, "That it is the opinion of this committee, that in the present situation of his Majesty's dominions, it is peculiarly necessary that there should be an Administration which has the confidence of this House and the public."

Mr. *Dundas* said, he knew not whether the name of his Majesty had been accidentally or intentionally left out of the motion, but as it was to the full as necessary that an administration should possess the confidence of the crown and of the other House of Parliament, as the confidence of that House and the people, he should move to amend the motion by changing the phrase, and inserting in the room of the words of the latter part of it as it then stood, the words 'of the crown, the parliament, and the people.'

The Earl of *Surrey* said, he had thought it improper for that House to mention the other House, in a resolution which more immediately concerned themselves. It might be construed by the other House as an indignity, and he saw no reason whatever for agreeing to the amendment.

Sir *Watkin Lewes* could not give his consent to that motion, as it seemed to recommend persons whom, though they might have the confidence of that House, yet had not the good opinion of the public, and whom his constituents intended to vote an address of thanks to the crown for having dismissed from the administration of the public affairs of this country, to one of whom they attributed all the calamities which had befallen this devoted kingdom. He added, that his constituents might instruct him to move for an inquiry into the conduct of one of those persons who had dismembered the empire; and which inquiry ought, in his opinion, to prevent his being again taken into power.

Mr. Alderman *Sawbridge* reminded his hon. colleague, that though a court of common council was summoned to consider of such a proposition, yet that no such measure had yet been proposed; and therefore it was rather premature to object to the motion, merely on the idea of what the court of common council might resolve upon.

Mr. *Arden* said a few words in disapprobation of the motion, but after what he had seen, he should not attempt to oppose it. He would make no apology for rising at that late hour; if it was fit at such an hour to make such a motion, it was fit for him to speak to it. He said he should wonder at nothing the House did in such a temper; perhaps they might next resolve that it would be a high crime and misdemeanor for the court of common council to vote any such address as the worthy magistrate had just alluded to; such a resolution, he declared, would be full as warrantable, in his opinion, as those they had already come to. He saw no occasion whatever for the motion then under consideration. Who doubted the fact, that every ministry ought to have the confidence of that House and the people?

Mr. *Fox* told Mr. Arden, that all that had passed in that House for the last week preceding the recess, as well as on that day, might have convinced him and his friends, that the present ministry had come into power upon such principles as were unconstitutional and odious to the

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majority of the representatives of the people, but the learned gentleman and those near him were determined not to see what stared them in the face; they were under the necessity, therefore, of making specific motions, and placing matters in so broad a light, that even the most wilful and perverse affectation of not believing the fact should no longer continue to avail them.

The amendment was negatived, and the original motion carried.

The Earl of *Surrey* next moved, "That it is the opinion of this committee, that the late changes in his Majesty's councils were immediately preceded by dangerous and universal reports, that his Majesty's sacred name had been unconstitutionally abused to affect the deliberations of parliament: and that the appointments made were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House."

Mr. *Powys* spoke strenuously against the motion. He declared, after what he had seen, he thought he would never speak to a political question again in that House; the present, however, was not a political question, but a question of justice, to which it was his duty to attend. He then reprobated the motion as proceeding upon facts without proofs, and pointing censure before criminality of any kind was established.

Mr. *Scott* entered warmly into the affair mentioned by general Ross, relative to the general's having been told by a lord of the bed-chamber, that he should be considered as an enemy to the King, if he voted on that day adversely to the administration. If the fact was as the hon. general had stated, it must have happened in two ways, either as a public matter, without any wish to have it concealed, or in private confidence. In either case it ought not to have been mentioned in the manner in which it had been mentioned; if it was said to the general in private confidence, he had no right to betray that confidence; if as a public matter, and no secret, the general ought to have stated as much to the House. Mr. Scott declared his entire disapprobation of the present motion.

Mr. *Lee* defended the motion, and justified his former argument about general Ross.

Governor *Johnstone*. Notwithstanding all that has been said, it does not appear to me, that the debate has yet been put upon its true ground. I admit, with the speakers in opposition to his Majesty's ministers, that the situation of the country is truly alarming, and the crisis big with the most serious apprehensions to those who consider the characters of the different actors in the matter in dispute. Who are to blame in producing this crisis, verging upon those convulsions which always loosen, and generally unhinge, the whole frame of government, is the question. It is alleged by the leaders of opposition, that a young man, impelled by inordinate ambition, and leagued with crafty, discontented, prerogative courtiers, by means of secret influence has obtained the reins of government, dispossessing men of great ability, who were in the path of re-establishing the affairs of this distracted government, redeeming its glory with foreign nations, and producing vigour and harmony in the different springs of its internal government. It is alleged on the other hand, that those gentlemen now in opposition, instead of pursuing the plans of restoring the honour and prosperity of the country, by checking abuses and promoting the public interests, upon finding in the seeds of their union a general discontent both in the king and the people against the motives which produced so unnatural a coalition, had therefore formed a plan for securing their power against the attempts of both. This plan produced the East India Bill, giving all the patronage and consequence, and most of the profit of the territorial acquisitions and commerce, to run in the channel of them and their substitutes, to be managed by nominees, to be appointed by the House of Commons from amongst the members of parliament; violating all the rules of justice, in seizing the property of the East India Company, and erecting a new executive power in the constitution, derogatory to the rights of the crown, and subversive of all those principles by which the wisest writers on the government of Great Britain have described the balance to be maintained between the three essential powers constituting the legislature.

These are the allegations on both sides; and we are now to consider by what proofs a just decision is to be formed on the subject. Those who support the arguments of his Majesty's present ministers, among whom I am one, produce the East India Bill, and refer you to the comments that have been made upon it by the wisest and most impartial men in the community;

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which Bill becomes daily more and more detested, as the spirit with which it is drawn, and the artifice by which it was carried so far in the progress towards being passed, comes to be considered. I take upon me to say, that there is no company in which I have entered, there is no private gentleman of apparent knowledge with whom I have conversed, who does not universally acknowledge the danger of such an experiment upon our constitution, and regard the rejection of that Bill as one of the greatest victories over its political enemies in the different careers of inordinate ambition, with which this country has been assailed in its progress to perfection. I do not presume to say that these sentiments have as yet pervaded the lower orders of men, or are the opinions of the community. The dangers arising from political institutions, when disguised by the arts of great and able statesmen, are not at first obvious to the wisest capacity, and make their way by slow degrees through the community: they are, alas! for the most part, only discovered after the effect has been produced. Thank God! in this case the blow has been warded off for the present; but whether there is sense or virtue sufficient to defend us against this machination in the end, is the cause of the struggle upon which we are assembled to decide. These, Sir, are the charges produced on one side, and the East India Bill is the evidence. By this Bill the King was to be deprived of his dearest prerogative, that of executive magistracy; a few days would have brought him to the doubtful and disagreeable situation of tamely yielding up, by his own consent, the just rights of his crown, and erecting subjects into equal power and executive authority with his own; and thereby establishing ministers independent of him, or using his negative against the sense of his parliament. The virtue of the House of Lords relieved his Majesty from that disagreeable alternative.

Instead of allowing that this interposition came in the natural course of the regard to the constitution which is to be expected from that venerable assembly, all the horrors of the Bill are sunk in the discussion, and we are told that its rejection proceeded entirely from secret influence. But what proof have we of the secret influence? It is a fine catch-word of a party to amuse the credulous vulgar, and to raise discontents against the sovereign or particular persons; but judging of the validity or consequence to be derived from such assertions, it is to be remarked, that the same cry, with equal assurance as to its veracity, was for many years asserted against the noble lord in the blue ribbon; but he now assures you, that no such influence ever existed to his knowledge; and, indeed, his lordship must either confess that such was the case, or subscribe to his own meanness (which I am far from either imputing or believing) in continuing to act under it; because it is impossible for any minister to say, when he is acting in office, that, provided secret influence exists, he does not feel its effect. But what stronger assurance can the party who affect this secret influence demand during the period of lord North's administration, than his own assurances when acting in the most perfect concert of perpetual union, and willing to avail himself of the present cry by every insinuation; yet, when called to speak positively as to his own period, his lordship is forced to declare, that this accusation is false and groundless respecting himself?

Are not we bound, then, to consider it as false and groundless respecting others, until some proof is adduced? Here, as impartial judge, declaring myself free and independent, without any political engagements whatever, I call upon those gentlemen to produce me the proof of the secret influence which effected the late change of government. If I see a dead body with many desperate and mortal wounds sufficient to account for the dissolution, shall I listen to the insinuations of malicious ruffians who probably gave the strokes, that the person had died of poison secretly administered? I would as soon believe in witchcraft, or the Cock-lane ghost, as think that the late administration was dissolved by secret influence. By all the accounts which the complainants publish, it appears to me to be an open and an avowed proceeding: a noble lord, becoming his dignity and his station, seeing the fatal consequences of the Bill, is said to have demanded an audience of his Majesty, and fully explained those consequences. The nobleman was enabled to relate the effects of this conversation to some of his friends, which naturally led, first, to resisting the measure with more effect; and lastly, to the change of administration, in the only way in which administration can with propriety be changed. To deny his Majesty the power of conversing with his subjects, so as to form a

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new arrangement previous to his turning out his then servants, would be depriving him of the power of ever changing his ministers; when, perhaps, the best security the public possess of their being induced to attend to the public interest, is the prospect before their eyes that they may be returned to the mass of the people.

The gentlemen around me have talked of desertions, imputing all the merit of steadiness to the adherence to men in whatever tergiversations they may make. According to my political creed, whoever delivers up his conscience and his opinion to the will of another, makes over the most precious trust which God has delivered to him, upon a security incompatible with the dignity of a noble mind. Friendship with men growing from corresponding sentiments is always to be cultivated, and never slightly broken; but to turn like a post horse, to run the mazes of the timid hare, to go as directed, and follow merely as others guide, without any conscious virtue from a rectitude of conduct arising from the conviction of our own will, is a situation so mean, that such characters shall receive no praises from me in stating their consistency. To hear gentlemen talk of this kind of desertion, and to forget the desertion of their own principles, registered and recorded to the world, destroying by their actions of 1784, all that they have said or done in 1773, is one of those proofs of political depravity which makes men sick of all political pursuits, and gives those opinions to the public, that every man is equally involved in the pursuit of self-interest, which is productive in the end of those vicious convulsions to be found in the latter ages of most of the great empires that have existed in the world, to which period I am afraid this country is hastening with too rapid strides. In such a dilemma what could his Majesty do, or those of his subjects who saw the Bill in the light I have described it? He must either change his administration, taking the chances of the struggles in which we are now involved, or submit to a certain evil, equal in the bad consequences to any thing that could be apprehended from those struggles. It was just and natural to believe, that the good sense of the House, upon calm reflection, would support those ministers who should step forth on such an emergency to save the state from impending ruin; but in case the combinations of power are so formed that they cannot be shaken from their purpose by any efforts of reason or public duty, his Majesty, in my opinion, is bound to refer the decision to his people, before he submits to such a sacrifice of the rights of his crown. No man can answer for the effects of any political decision, under all the arts that are practised by designing men, when a ferment is raised in the community; but as far as one can venture to judge from the conversation of men without doors, his Majesty cannot fail of receiving the support of his subjects in a controversy where their interest is as much concerned as his own.

In considering the other point of the question under discussion, I must observe, that I think it has been equally misstated. We all acknowledge his Majesty has a right to change his ministers, and I have shewn there never was a juster cause to exercise that power; yet we seem to think our inclinations ought to have been previously consulted. I admit that no government can go on when a majority of this House disapprove of the King's ministers, and that he must either obtain that majority in the existing parliament, or try the sense of the people fairly upon a dissolution: and I admit also, that dissolutions, especially in the middle of a session, and particularly in the present moment, are liable to great and serious consequences: but I mention at the same time, that a rational mind must take under its consideration all the circumstances, to determine whether the blame attending such a measure is owing to the perverse disposition of parliament, or to his Majesty's government; for though I admit that the confidence of this House is necessary to his Majesty's ministers, yet that confidence is neither to be bestowed nor withheld from caprice or partial affection. We have a right to demand that his Majesty shall put his government into the hands of men of ability and integrity. If these requisites are to be found in the King's ministers, and the measures they propose are just and honourable in themselves, it is the heighth of faction to refuse our assent or support to such men, whatever our connexions may be with others. Respecting the present minister, who will deny his ability after the appearance he has made in the present discussion? Much less can this come with any weight from his opponents, who are forced in the speeches they have severally made in support of the measures to effect his overthrow without a trial or hearing, to acknowledge their

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admiration of the wonderful talents he has daily displayed. Regarding his integrity and public character, is there any person that stands fairer in these respects with the community? Has malice tinged his reputation with any vice or infirmity, or any unbecoming conduct that can shadow the lustre of the parent, whose station he has taken in this House? If, then, his Majesty has made choice of a minister of the greatest abilities and the most spotless integrity, what will the nation at large say of the conduct of this House, who will not even hear his propositions, or try him by his measures; but obstinately adhere to force the authors of the East India Bill, big with the evils I have described, into his Majesty's cabinet, to mortify his private feelings, and deprive his crown of its most valuable prerogatives? It is said, indeed, that this conduct is to secure our own existence; but I must again and again declare my opinion, that too strenuous an interference of this House to prevent its dissolution is little short of a Bill to continue the duration of parliament; because if it is once admitted, the House of Commons may do wrong on assuming executive authority, or taking privileges to themselves inconsistent with the constitution, there is no remedy left to correct this evil but a dissolution. History shows that the tyranny of the many is worse than the tyranny of the few; and if it is once established, that by repeated addresses they can perpetuate their existence, no dissolution can take place, and consequently both the King and the people are left remediless.

General Ross was upon his legs, when

Mr. *Sheridan* said, he thought it right to inform the hon. general that he ought not to mention the name of the noble lord in a committee; he could only do it in the House. Mr. Sheridan declared, he by no means approved that those who had been adverse to every thing fair and reasonable, should all of a sudden turn short, and affect great earnestness to promote inquiry. With regard to the motion, he said it was absolutely necessary. Why did not the noble earl, who had been so often alluded to of late, come fairly within the bar, as other noble lords had done at different periods of our history, and fulfil the promise given to that House by his relation a few weeks since, when it had been declared, that he had given back the seals he had received into his Majesty's hands, and returned to a private station, in order to make himself completely amenable to any inquiries into his conduct which that House might think proper to institute?

General *Ross* said, it had not been his intention to have mentioned the noble lord's name. He declared, that what he had related to the House as a very extraordinary conversation that had passed between a lord of the bed-chamber and himself, relative to his vote in that House, had not passed in any sort of confidence, though it might be said to have passed in private, there having been no person in the room at the time, but the noble lord, a little child, and himself.

Mr. *Wilberforce*, with great warmth, reprobated Mr. Fox's former Bill, declaring that, had it passed, he was convinced it would have proved the death-warrant of the constitution. He said a great deal about Mr. Pitt's coming into office in times of trouble and difficulty. His right hon. friend, he declared, did not look up to ease and emolument solely, as the right hon. gentleman opposite to him had done, when he came into office: he was another sort of patriot, and considered the good of his country and the salvation of the constitution, as matters of infinitely greater moment than his own personal interests. Mr. Wilberforce pursued his panegyric for some minutes in terms of great eloquence.

Mr. *Fox* replied, and charged Mr. Pitt with having come into office upon unconstitutional grounds, and upon such principles as were disgraceful to himself, disgusting to the country, and such as must necessarily deprive him and his coadjutors of the confidence of that House, without which no ministry could carry on the public business. He said, they had taken the government as an experiment to gratify the purposes of their mad and ungovernable ambition; that they were attempting theories and speculations on the constitution, which it behoved that House to guard against the mischief of; that the resolution then under consideration was adapted to effect that salutary purpose; and those which had preceded it had been of the same complexion.

Mr. *Pitt* stated, that he had taken upon himself the government of the country upon one single, plain, intelligible principle, by which he desired to stand or fall with the people, viz. to save the country from the India Bill, which threatened destruction to its liberties: his conduct was

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uniform and intelligible, and the nation and the world would, he trusted, understand and applaud it.

Mr. *Erskine* in answer said, that though he was afraid it was not very respectful to the House to believe that it could possibly be imposed upon by fair words, in opposition to the foulest conduct, he would not suffer the right hon. gentleman to walk off the stage as the saviour of that country, which he seemed intent to insult and to ruin. After the inconsistencies of the day, he was not surprised that he should assert the India Bill to have been the cause of his assuming the government; but he should be surprised if any body believed him. He had asserted it already, without finding any credit from *him*. No man of common sense, at least no man of common memory, would believe him, who had heard him a hundred and a hundred times declaim upon his determined purpose to destroy the government founded on the coalition, even before the India Bill was heard of. He could not, as he said, act with the coalition, because of the obnoxious principles of the noble lord in the blue ribbon; and yet he flew at the same moment with such eager embraces into the arms of the learned Lord Advocate, as if he had been attached to him by magnetism. He supposed it was owing to a sort of political methodism which operated by faith to the total exclusion of works, by which the most obdurate sinner might be converted in a moment without giving up any of the amusements of the flesh, and which of course entitled the learned gentleman, on his sudden and mysterious conversion, to the doctrine of political regeneration and reformation, to a forgiveness of his sins, though not yet purged of the original damning sins of influence and starvation. He said, it was an affront to human reason to say, that it was inconsistent for the right hon. gentleman to act in concert with the noble lord in the blue ribbon, who was yet in close councils with the more learned lord Thurlow, and the lord Gower.—Though, perhaps, the right hon. gentleman might say, that he had arranged himself with the two last lords, to give the more certain effect toward his plan for the reform in the representation of the people; and that as that great object was the ruling feature of his political life, he had agreed to overlook all lesser differences, to secure that hearty and cordial union which the notorious opinions of these noble persons would be sure to afford him in the cabinet. [The House laughed.] He said, he did not wonder the House laughed; that he should indeed admire the rigidity of that man's muscles who could withstand the childish, impertinent inconsistencies, in those political passions and aversions, to which, however, the interests of this miserable devoted country were to be sacrificed.—The coalition was the mean mask of their ambition, under which they lay in wait to seize the first plausible moment of mischief, which naturally presented itself in a wise, vigorous measure, open, from its decisive wisdom, to the honest prejudices of the vulgar. Before the India Bill presented itself, it was the only topic of opposition; but which being now worn threadbare, and exposed to ridicule, they were obliged to take up the India Bill; the act, not of his excellent friend Mr. Fox, but of the House itself; and then had the effrontery to come down and state *to the very House that passed it*, that he had become minister to save his country from the ruin of their measures, and hoped for their support to enable him to revile and expose them. Much had been talked of temper; he was ashamed of his own moderation, and of the patience of the House on a subject which called for the resentment of the people, which they could not in justice disappoint.

Mr. *Dundas* rose, and said, he would only refer the House to the hour of the morning (then past six), as an argument against their voting in a hasty, rash, and precipitate manner, a motion so obscurely worded, so dark, and so ambiguous, that it was not easy to guess at whom it was pointed, or upon what ground it rested. He then went into a warm and severe personal attack on Mr. Fox on account of his Bill, urging his conduct in that particular as the ground on which his Majesty had dismissed him and the rest of the late administration from his councils, and called his right hon. friend near him into office. He branded the Bill as an experiment of the right hon. gentleman, with a view to put the crown on his own head, and grasp into his hands for ever a degree of influence foreign to the constitution, and which would raise him to an eminence of power superior to that of the sovereign. He repeated the idea of the Bill being an experiment to place the crown on the head of an individual more than once, and pointed in a manner peculiarly marking. He urged the necessity of discussing so

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important a motion as that under consideration, at a sober hour, and with the utmost temper and moderation; and assigned it as a reason for moving the question of adjournment, by way of getting rid of the resolution for the present. He concluded with moving that the chairman do leave the chair.

Mr. *Fox* rose with some degree of warmth, declaring that however it might be the inclination of the learned gentleman to affront him by the grossest personal attacks, he should not insult the House without proper notice being taken of the insults he had dared to cast upon them. His personalities to him he most thoroughly despised; he nevertheless would not suffer him to declare that he had made an experiment to put the crown upon his head, without denying in the most direct and positive terms, that he had attempted in any shape whatever to possess himself of power, or patronage, or emolument. The Bill to which the learned gentleman had alluded, was not his Bill, it was the Bill of the House of Commons. He had originally proposed it indeed, but the House had adopted it, and made it their own. A large majority had carried it through, and it had passed the House. With regard to the power, the patronage, and the emolument; what power, what patronage, what emolument did it confer on him? None: not an atom. It had been said, indeed, that the seven commissioners were of his nomination. True, they were; but if he had not named persons every way unexceptionable, did not the learned gentleman know his nomination would not have been of the least avail? With regard, also, to the learned gentleman's declaration, that the Bill created a new influence unknown to the constitution, the assertion had been combated, and overthrown again and again. It did no more than this—it prevented a large and a dangerous degree of influence from going into the hands of the crown, and lodged it where it was most safe, in that House; and it established a permanent system, not liable to be affected by any change of administration, and thus defeated in the very trial. What was the new Bill, the Bill to be brought in by the right hon. gentleman, the boasted minister of the crown, to do? If that Bill was founded on the propositions published by the court of directors, it would continue anarchy abroad, and create no stability of government at home. It would neither give peace, happiness, nor security to 30 millions of subjects in India, nor would it produce any thing like vigour or energy in the administration of Indian affairs at home. Between the two Bills, therefore, there could be no comparison. The Bill of the House of Commons the learned gentleman had attacked with the utmost asperity. What he had said was a gross insult upon that House, though undoubtedly he had meant it merely as an affront upon him. He might affront him as much as he pleased, but common decency required that he should treat the House of Commons with less indignity.

Mr. *Dundas* said, it was extremely easy for the right hon. gentleman, with a majority at his back, to draw down the indignation of the House on his head, or on that of any individual member, under the pretence of having insulted the House; but conscious as he was of his own innocence, as to any the most distant intention of that kind, he should ever resist such an unjust attempt to lessen him in the good opinion of those, whose favourable judgment he was, on all occasions, anxious to solicit. In the present case, if he had, in the warmth of debate, and in the zeal of sincerity and conviction, pushed his argument farther than he ought to have done, or used stronger words than the occasion might be thought to warrant, he could only plead the example of the right hon. gentleman himself, under whose sanction he had little fear of any consequences that might ensue. Had the House forgot what, for twelve years together, had been the language of the right hon. gentleman? Had they forgot the American war, and all the vast variety of topics discussed in the course of that twelve years, during which, on no occasion had the right hon. gentleman spared those whom he had found it convenient to attack in the most open, the most unqualified, and the most bitter language? Sure he was, he had heard the right hon. gentleman again and again exercising his talent of this sort, and to that day the right hon. gentleman made no scruple to attack him without any reserve whatever. The right hon. gentleman talked of his meaning to affront him. He could not believe the right hon. gentleman had any such idea. Certain he was, he had not a thought of that kind in his mind, nor had such a thought ever entered his imagination. In return for public attacks on him, he had endeavoured

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to retort on the right hon. gentleman, and he should continue to act exactly in the same manner, as often as the right hon. gentleman gave him cause so to do.

The committee divided on the question of adjournment: Yeas 142; Noes 196; Majority against the adjournment 54. The Resolution was then put, and carried. As soon as this was over, the chairman was directed to report the Resolutions to the House immediately, and ask leave to sit again. The House being resumed, the Resolutions were reported, and agreed to. Mr. Fox then moved, "that the committee on the state of the nation do sit again upon Wednesday." Mr. Pitt gave notice that he should, on that day, move for leave to bring in his India Bill.

King's Message respecting the Landing of Hessian Troops.] Mr. Chancellor Pitt presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty thinks it proper to acquaint the House of Commons, that the two last divisions of Hessian troops, which were employed in America in the service of Great Britain, not having arrived in the Downs, the place of their rendezvous, until the setting in of the frost in the river Weser, had made it impracticable for them to proceed immediately to the place of their final destination; his Majesty has found it unavoidably necessary to order the said troops to be disembarked, and to be stationed in the barracks at Hilsea, Dover, and Chatham; and at the same time has given directions, that they shall be re-embarked and sent home as soon as the Weser is navigable, every necessary preparation for that purpose having, by his Majesty's orders, been already made."

Resolved, *nem. con.* That an humble Address be presented to his Majesty for his gracious communication.

The House adjourned at half past seven on Tuesday morning.

Debate in the Commons on Mr. Pitt's East India Bill.] Jan. 14. In pursuance of the notice he had given,

Mr. Chancellor *Pitt* rose to move for leave to bring in a Bill for the better government and management of the affairs of the East India Company. He rose, he said, in performance of his engagement to the public and to the House, and to discharge that duty which was indispensable to him in the situation which he held. He was neither deterred by the circumstances of the time, nor the appearance of the agitation of that assembly, from rising to move for the introduction of a new Bill for settling the government of India, because he knew it to be the most immediate concern of the country, and that which, before all other things, called for the consideration of parliament. He was aware that, in the present circumstances of the time, any proposition that came from him was not likely to be treated with much lenity; and indeed, from what he had heard, he might be permitted to apprehend, not likely to be treated by certain persons with impartiality or justice; for they had already excited a clamour against what they conceived to be his ideas, and had already condemned, without knowing, his system. They had taken up certain resolutions passed by the proprietors of East India stock, and had said, that a system founded upon them must necessarily be defective, must necessarily be charged with more influence, accompanied with less energy, than the Bill which had been rejected. He knew the triumph which he should afford to a certain description of men, when he informed the House, that the plan which he proposed to submit to parliament was chiefly founded on the resolutions of the proprietors of India-stock, and that his ideas in all the great points coincided with theirs. He anticipated in his mind the clamour which would take place on this discovery, and the vociferous acclamations of those gentlemen ranged behind the right hon. member (Mr. Fox), whose signals they were always disposed to obey, and whose mandates they were always ready to execute. He perfectly understood the nature of their conduct; he knew well how capable they would be of deciding on the subject, from the notices they would receive, and how eagerly they would embrace the opinion which the right hon. gentleman would give them; but he was not to be intimidated from undertaking what he conceived to be for the interest of his country; and to the crime which was alleged against him, he pleaded guilty. He confessed himself to be so miserably weak and irresolute, as not to venture to introduce a Bill into that House on the foundations of violence and entrenchment. He acknowledged himself to be so weak as to pay respect to the chartered rights of men; and that, in proposing a new system

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of government and regulation, he did not disdain to consult with those, who, having the greatest stake in the matter to be new-modelled, were likely to be the best capable of giving him advice. He acknowledged the enormous transgression of acting with their consent, rather than by violence; and that, in the Bill which he proposed to move for, he had governed himself by the ideas of the proprietors of East India stock, and by the sense and wisdom of those men who were most habituated to the consideration of the subject, as well as the most interested in it.

He gave to his opponents, with perfect cheerfulness, all the advantage which this view of the subject could confer. His plan was really founded on the resolutions which the House had seen in the public newspapers, and he acted in concurrence with the sentiments of the general proprietary. He had not dared to digest a bill without consultation, which was to violate chartered rights, sanctified by parliamentary acts; he had not ventured to conceive that any plan, which should erect in this country a system unknown to the constitution, would be ever embraced by any House of Commons; or that a scheme of new and uncontrollable influence, in the hands of new and unconstitutional characters, would be suffered to have an establishment, since such a scheme must give the death-blow to our frame of government. He had taken notice of the objections started by the right hon. gentleman before he had heard his plan, and accepted by his followers with the same haste and the same decency; he had heard him allege, that his plan was calculated to give as much or more influence to the crown than the Bill which had been rejected; and that it was not calculated to produce the salutary consequences to this country, or to India, which his Bill would have certainly done. These were the imputations which had been brought against it before it was known, and the House were now to inquire into the truth of the assertion. He wished to be tried by comparison. He challenged the trial by that test; and he trusted to the candour of the House, even circumstanced as it now was; he trusted to their fairness and impartiality, that if they found the provisions of his Bill as effectual, with less violence,—affording as vigorous a system of control, with less possibility of influence,—securing the possessions of the East to the public, without confiscating the property of the Company, and beneficially changing the nature of this defective government without entrenching on the chartered rights of men, they would give him a manly, liberal, and successful support, without inquiring what party of men, or what side of the House, was to be maintained on the occasion. He trusted they would not approve his plan the less for being without violence, for being destitute of the rapidity, the grasping principle, the enormous influence, the inordinate ambition, the unconstitutional tendencies of the Bill which had been rejected. He trusted also they would find, that he had not objected to the Bill of the right hon. gentleman from motives of capricious, or of personal opposition, or that he was now to seduce them into the approbation of a measure more speciously coloured, but in truth stolen from that to which he had denied his assent.

He was not much affected with the clamour, that his was to be a half-measure —a palliative; although he had so loudly deprecated half-measures, and palliatives, on the first day of the session. 'Half-measure' was the watch-word of the day. He should not be affected with this charge, if by that was meant, that every measure, which did not proceed to the violation of charters and the confiscation of property, was a half-measure. If he could only avoid the imputation of erecting a system of power new and unknown in the country, to the extinction of the Company and the danger of the constitution, he would not be displeased to hear his plan receive the appellation of a half-measure. But he trusted, that in the exposition of the principles of his plan and of the provisions, they would find reasons to go with him in thinking, that without materially entrenching on the Company, and without deviating from the practice of the constitution, a scheme of government might be framed, less over-bearing, and equally efficacious. Whatever might be its reception, however, he should have the heart-felt pleasure of knowing that he had discharged his duty conscientiously; and he professed, that he was infinitely more eager to see a fair, solid, and effectual system established, than that he should be the person to propose it, as he was really more anxious for the welfare of his country than for the aggrandizement of himself.

The general objects to be looked to, and provided for, in the formation of a

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system for India, were chiefly these: The concerns of this country in India, in the various considerations to which they branched; the civil and military government; the revenues; the commerce; the vast territorial possessions, which, though they had been long acquired, had never yet been finally settled: there were claims to be ascertained, and interests to be divided. The happiness of the natives was to be studied; the connexion between the commerce and the territorial government was to be maintained; and, last of all, they were to consider what were likely to be the effects of the government of India on the government of Great Britain; how it might affect our constitution in point of influence, and how it might be rendered at once vigorous and unalarming. These were the objects to be considered; and surely the House would go with him in saying, they were most important. The possessions in India were great and ample; they could not be maintained but with broad and extensive establishments; they contained an immense number of the human race, for whose happiness it behoved us, by every call of humanity and policy, to provide; and there was the utmost necessity of framing a system, which should at once preserve the connexion and the distinction between the territories and the commerce. This was particularly difficult, and indeed the whole business was of so complicated a kind, that it required all the wisdom, all the experience, and all the consideration of parliament.

Any plan which he or any man could suggest for the government of territories so extensive and so remote, must be inadequate; nature and fate had ordained, in unalterable degrees, that governments to be maintained at such a distance, must be inadequate to their end. In the philosophy of politics, such a government must be declared irrational; it must be declared, at the best, to be inconvenient to the mother and supreme power, oppressive and inadequate to the necessities of the governed. In such a scene, there could be formed, there could be imagined no theoretical perfection—it must be a choice of inconveniences; and, therefore, he trusted that, in the examination of the ideas which he should throw out, the House would take into their view the difficulties, and always remember, that whatever was suggested, however specious, however promising it might be, must be tried by the event, rather than by speculation. The general ideas which he had thrown out, and the objects which he had described to be in view, would serve the House as land-marks to guide them in the consideration, and they would examine how far his propositions were calculated to answer the object.

In the first place, then, the political concerns of this country in India, that is, the civil and military government of India, the political establishments, the political system, the collection of the revenues, and, to give it one short and general definition, the imperial dominion of our territories in the East, ought to be placed under other control than that of the company of merchants in Leadenhall-street: but the change ought to be made with as little violence as possible; it ought to be made by the conviction of the Company, and not by violence. In this the proprietary agreed with him. The first business, then, was to take care that this should be made an effectual control; and it was his clear idea, that this control could not, with safety or propriety, be placed in any other hands than those of the genuine and legitimate executive power of the constitution.

His next principle was, that the commerce of the Company should be left, as much as possible, to their own superintendance. This was an idea which must strike every thinking man; for commerce ought always to be left to the merchant, unshackled, unembarrassed by interferences which might impede its current, and diminish its security. In this, however, there was a consideration to be attended to. The commerce of the East India Company was of a mixed nature; it was involved with revenue, and it would be requisite that a provision should be made for distinguishing between what was merely commercial, and what was mixed, that, under the colour of commercial acts or commercial regulation, the politics of India should not be affected.

His next principle was to prevent capricious effects on the constitution of Britain from the government of India. In providing for this principle, very great delicacy was to be used in the nature, quality, and extent of the powers to be given to the governments in India. The servants in India must obey the controling power at home; but still, in regard to the distance from the controling power, care must be taken to arm them with such

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discretionary authority, as should leave energy and vigour for all the purposes of good and substantial government, sufficient to secure the happiness of the natives, as well as to protect the commerce and the possessions, but, at the same time, so limited as to restrain inordinate ambition, to crush oppressive rapacity, to extinguish the jobbing of adventure, and to establish true and equitable dominion.

He understood well that it was more easy to exhibit principles than adopt provisions; and he only exhibited these principles to serve as land-marks to the House in the examination of his provisions, for he should succeed or fail in his plan in so far as he reached or came short of these ideas.

The first point, then, in the plan, was to ascertain the degree of control which should be established over the Company, and the hands in which that control should be placed. The degree of control should amount to the government of the civil and military concerns, and of the revenue; and this was a species of control not new, for we had already seen a control over the Company established in the hands of government. But the former interference of ministers had not been beneficial, because it had not been active or vigilant. On this account was it, that the right hon. gentleman, in his Bill, had placed it in new hands? Was it on this account that he had vested the control in the hands of a set of men, whose character was a monster and a novelty in the constitution? What security had parliament that this new and unheard-of board would have been more active and vigilant than a constitutional and executive one? Surely none but the character, the integrity, the intelligence, and the alacrity of the individuals who composed it. If men could be found by the executive government of the country equally endowed, he asked if the security to the public was not the same?

But he must again take notice here of the imputation, which he imagined would be thrown on his plan for its moderation in this respect. It would be called a 'half-measure,' because it left with the Company many of their rights, their property, their patronage, their respect: but he saw no aspersion in the term of a 'half-measure,' if his plan was to be so termed in opposition to the totality of that scheme which grasped at every thing which they enjoyed. This grasped at no more than what was essential to the object, and he, with confidence, trusted to the impartiality of the House of Commons, that they would approve of a measure calculated to effect all the purposes required, by means less violent than those of the late plan; and he had this confidence, notwithstanding the impression of the times, which he confessed to be new and extraordinary. His plan aimed at beneficial control. He meant not to rob nor to steal the rights of the Company.

He knew that the merits of his plan must be comparative; and that the House would give the preference to that, which, in the comparison, was proved to be the best in the two great points of sufficiency and vigilance of control. The public required security. What was the security which they had in the projected board of commissioners? Was it the greatness of their character, or the circumstance of their being appointed by the House on the nomination of the minister? If this was all, might not others be found as great in character, and found constitutionally by the executive power? And would it be a less recommendation of such men that they were not a new and independent institution, unknown to the constitution and uncontrolable by the crown? The persons that had the control, should be persons capable of giving time and attention to the objects of the trust; they should have leisure for activity and exertion, that it should be no longer subject to the imputation of a sleepy and ineffectual control, but deserve the character of an active and efficacious one. But this could not be done, perhaps, without the creation of new officers; for, in the present state of administration, the ministers through whom the crown could speak, that is, the two Secretaries of State, were so occupied as not to be able to give the business all the time and attention which would be necessary. To provide for this, there should be joined to the minister other assistance to expedite the affairs, that they might not be delayed or neglected, at the same time that the crown's control was signified through a minister.

His proposal, therefore, was, "That a board should be instituted, to be appointed by his Majesty, consisting of one of the principal secretaries of state, the chancellor of the exchequer for the time being, and a certain number of the privy council." The number of the board would be left blank for the consideration of the House. The privy counsellors were not

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to be, as in the constitution of the privy council itself, to attend precariously; but such as his Majesty appointed were to give regular attendance at this board, and devote their time and study to its objects. But it might be asked, were there to be salaries given to the members of this new board, and was it to be productive of additional burthens to the people? He knew that, in the last Bill, though there was no salary mentioned, it was the general rumour, if not the general intention, that they should have a remuneration. It was his idea, however, that in the present establishment, any expense might be avoided. There were, in this country, a number of persons, who, from their rank, were members of the privy council, and who, at the same time, were possessed of great and distinguished offices, with large emoluments and little labour. There was no doubt but a number of such persons might be found to accept of this important duty without any additional reward. It was what they owed to the country, from which they derived splendid incomes for no service; and he was sure that if it fell to his lot, which was a question to be decided, he would give up his time and attention most cordially to the object.

A board thus constituted, it might be imagined, would have the qualities of activity and vigour. It would be derived constitutionally from the executive power. It would create no new office of emolument. It would load the subject with no new burthen. It would be as efficacious as the board of seven commissioners. That board, undoubtedly, was composed of men of great integrity and fair honour; but he might be allowed to add, some of them not possessing much knowledge of, or interest in, the subject of their control. But this new board would be at least equally intelligent and as efficacious. It would be as good, only with this difference, that the rights of no company would be violated; only with this difference, that they would not be uncontroled or uncontrolable; only with this difference, that they would not possess the whole of the patronage, to the great danger of British liberty. The dispatches of the Company must be submitted to this board, and be made subject to their control; their opinion to be given in a reasonable and competent time, and the dispatches countersigned by the board, by which a complete responsibility was vested in them. This was no ambiguous system; it was clear, public, and administrative.

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In the next place, though he had no wish to interfere with, much less to control, the commerce of the Company, yet as the commercial acts might be connected with the political, because they might have an aspect leaning both to the one and to the other, he also proposed, "That all the commercial dispatches of the Company should also be submitted to the board, whose control should be signified in a reasonable and competent time; but the court of directors, if they agreed not with the opinion of the board on the decision of the question, whether it had a political or merely a commercial tendency, might appeal to the king in his council, whose decision should be final." This he hoped would not be considered as a security nominal and frivolous, when it was remembered that this was to be a public appeal and public trial. He was sincere in his ideas on the subject of the security; and being so, he regarded neither the sneers nor the smiles of gentlemen: this appeal he considered as a guard to the Company, and chiefly because it was liable to be discussed in both Houses of Parliament.

This board possessed not the patronage of the Company. They had the power of a negative, indeed, but they could not alter the names that were sent them by the Company; they could not make use of this power in the way of patronage, for it was his idea that this should be a board of political control, and not as the former was, a board of political influence. He stated what the constitution of that board was, and what the constitution of this was to be. That board was to seize on the rights, patronage, commerce, and property of the Company. This left to the Company the uncontroled possession of their commerce, their treasury, their patronage, their contracts, the appointment of their writers and cadets; by which, in the course of things, all the officers and servants in India were in their immediate appointment.

He then came to state what was to be the nature of the government abroad: "Their authority should have the powers of large discretion, accompanied with the restraint of responsibility." They should be bound to obey the orders of the board at home, but at the same time they should have a sufficient quantity of power for all the purposes of emergency, and all the occasions which the immense distance might give rise to. He went into a long

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detail to shew how much the influence created by the last Bill exceeded the influence of this. Here the government abroad could at best but select from among the appointments of the Company—they could not make original appointments of their own. In addition to this, there was in the crown, and consequently in the two Houses by an Address to the crown, the power of recal. It was to be inquired by whom the members of the councils abroad were to be appointed. The Company had cheerfully yielded this point also to the crown. He, however, had his doubts on this subject, and therefore in his Bill the matter should be left for the wisdom of the House to decide; but "the appointment of the commander in chief he thought should be clearly in the crown," for the duties which he had to fulfil were so essentially connected with the great operations of the state, that there could be no doubt on his appointment. The next consideration was the number of the councils abroad. His idea was, "that their number should be four, the governor-general to have the casting vote." But this also he would leave to the House. The number of the council at Bengal he did not mean to reduce; for in this he followed the example of the right hon. gentleman, in not making the system a personal question.

The late Bill thought fit to vest all the power in the government here, and none or little in the government abroad. His idea was otherwise. He thought there should be a power in the government abroad, large and broad, but guarded with responsibility.

He proposed that there should be "a revision of all the establishments in India, to see where retrenchments might be made with safety—to see what were necessary, what were useful, and what, on account of their inutility, inconvenience, corruption, or abuse, ought to be extinguished." This he recommended, for he believed that many of the abuses in India arose from the establishments being overloaded. Another reform struck him as essential, and which indeed was only an enforcement of an old rule. This was, "that all appointments in India should take place by gradation and succession." Influence would by this means be very much diminished; and, indeed, without entering much into the nature and amount of the power, he imagined the government might be framed to possess all that was necessary to its purposes, without having so much as to create influence. He would speak only therefore of the great lines of power, without entering into the little detail.

His last proposition, he said, was, "That there should be erected a new tribunal for the trial of offences in India." He explained the necessity of such an institution, and said, it would be for the wisdom of the House to determine its nature and authority. His idea was, that it should consist of a number of the principal persons in Westminster-hall in the first place; that civilians should also be joined; and also a number of peers, and a number of the members of the House of Commons. A tribunal thus constituted might, in his idea, embrace the great object. The culprit might have the power of challenging; and, before this tribunal, evidence might be admitted which the courts of law could not receive. They should be directed to question, to arraign; they should determine the nature of offences; and in offences he would reckon the disobedience of orders, the acceptance of presents, oppressions of the natives, monopolies, rapacity, and all the train of offences which had tainted the national character in India. They should inquire into the personal fortunes of the delinquents; they should have the power of confiscation, and every thing but capital power. In regard to the zemindars, though he admired the spirit of the right hon. gentleman's intention towards them, yet he could not imitate it on account of its impracticability. General indiscriminate restitution was as bad as indiscriminate confiscation. He proposed, therefore, "That an inquiry should be instituted into the confiscations, for the purpose of restoring such as had been irregularly and unjustly seized; and that they should be secured against violence in future."

He had taken notice of many more points, he said, than were included in his motion; but he had thrown them out for the consideration of the House, as a subsequent Bill must be brought in for regulations, or, what he believed would be effectual, the Bill of the right hon. gentleman now in the House might be modified to his purpose. He again gave a comparison between his Bill and that which had been thrown out: and he declared, that the establishment of a moderate and effectual system of government for India, was the great and immediate object of his mind. He did not wish to gratify young

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ambition by the place to which he was called; he was not attached to his eminence. I am not, said Mr. Pitt, governed at this moment by motives of personal interest, or of personal fame. I have introduced this plan as the deliberate conviction of my mind, made up on the most serious consideration of the most intelligent men. Accept the ideas, if they are worth your notice; strengthen them with your wisdom; mature them with your experience; or, in their room, establish a more adequate system, and I am happy. However unpleasant to me a majority of this House, and insinuations against me must be, I shall incur the danger of them all on this great point; establish a good, rational, and safe system, and dispose of me as you will. I have the consciousness of a good intention, and therefore, without having the serious fear that personal considerations will be imputed to me, I conclude with moving, "That leave be given to bring in a Bill for the better government and management of the affairs of the East India Company."

Mr. *Fox* said, he wished to meet the right hon. gentleman's ideas, as it would certainly be expected, with all the fairness and with all the attention in his power; and he had too much regard for the honour of the House, and for the public satisfaction, not to do every thing for bringing in the Bill or Bills which had then been moved: but sure he was, it would soon be obvious in what light the present proposition must be viewed by the dispassionate and impartial. Is it, said he, less or more than the wisdom of an individual, however exalted in situation, however distinguished by ability, however flattered by partizans, or however confident of his own unrivalled talents, opposed to the collective wisdom of this House, of the Commons of England in parliament assembled? I trust the propositions will be considered exclusively in this light, and the fate of them pronounced accordingly.

Much has the right hon. gentleman struggled to fix a comparison between this and the measure adopted by his predecessors before the holidays; and, indeed, in whatever he may think these two Bills alike, they are, and in my mind they will appear to the world, essentially and universally distinct. The single feature common to both is the object to which they both relate. The one, however, substantially, effectually and permanently, to a regulation of the entire system of Asiatic management; the other partially, imperfectly, and superficially. Were I to give a school-boy an exercise how he might most effectually involve the affairs of the East India Company, is it possible for the invention of man to have hit on an expedient so likely to answer that purpose? What task could be better performed than such a task as the right hon. gentleman has now assumed, and in this mature and polished state submitted to the consideration of the House? Every degree of confusion and distraction which can be supposed, is not merely unprovided against, but actually provided for in the Bill now proposed. What were the regulations or establishments required by the wishes of this House and of the country? Were they not, humanity to the natives of that extensive territory, which has been wrested from its original owners; safety to the whole proprietary of the greatest trading Company in the world; the justice, equity, and liberality of the English law to all who participate of the English government; a restraint put on iniquitous contracts and gross peculation of every sort; a system of responsibility and obedience, that master and servant, in this strange and absurd system, might continue no longer synonimous or convertible terms? These things are necessary to the welfare of the Company and of this country; but what one of them is secured by this Bill? Does it not insult the reflection of every wise man who has at all considered the subject? Does it not make a mock of that necessity which this House has pronounced to be urgent and unavoidable? Does it not disappoint the expectations of the public, who have long been clamorous for a reform in a particular with which they deem their own honour and reputation singularly connected?

The right hon. gentleman sets out with his board of superintendants, and endeavours to state a contrast between those of his appointing, and those who received an appointment from this House; but I beg leave to tell him, that they are totally different. Need I point out that difference to this House? The influence so new, so unprecedented, so perfectly unknown to the constitution, on which he triumphed, and still triumphs so much in having detected, is no other than has been authorized by several acts of parliament for years. What is the power of the directors? Is that constitutional? Will any man say

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that their power ever interfered with that of the crown? And is not this the identical power which his Majesty's ministers and this House would have transferred to a new board?

I do not know whether I heard the right hon. gentleman perfectly or not; but I am sure I did not understand him. The constitution at least of this extraordinary system struck me as peculiarly absurd. He foresaw an appeal might be sometimes unavoidable; and where is it lodged, but in one of themselves; in a party concerned; in one who cannot, in the eye of the law of this country, act fairly, because acting under all the pressure of every person interested in the issue of the plea. Legislatures have never appeared so ridiculous as in forming laws which make no allowance for the imperfections of human nature; for that which affects the decisions of a man's mind in one case, will certainly affect them in another; and wherever the public good is connected with his conduct, his agency ought to be as free from temptation, and, consequently, as little liable to abuse as possible. How, then, are decisions on the affairs of the Company to take place, where these affairs appear in any case involved? What impartiality can be expected from persons who, if they act at all, are subjected to act on a very interested plan?

A very great parade is made about the consent of the Company. I will acknowledge that the Bill I had the honour to carry through this House, violated the Company's charter to a certain degree. The Stuarts thought themselves long possessed of an hereditary claim to the crown and sovereignty of these realms. They lived, they acted, and they died in this conviction. It was found, however, by the investigation of mankind, that all this was mere usurpation, and originated in violence or some less honourable principle. The glorious Revolution undeceived the world on the subject, and by substantiating the real meaning of the royal tenure, held up this important lesson to the world, that those charters which any one part of the community enjoys by consent of the whole, can only be authentic so long as it consists with the good of the whole, and no longer. When, therefore, we consider how much the public were sufferers, what obloquy the country derived, how generally and sincerely the name of an Englishman was execrated by the consequences which resulted from the abuse of these charters, to have connived with them would have been to have made this government, this House, this country, the guarantees of every outrage and species of venality and extortion, which fasten an eternal stigma on those who acted so dishonourable a part. The grand object, therefore, of those who proposed that Bill, as an adequate remedy for the infinite and palpable mischiefs, was to establish some practicable and substantial redress for a grievance peculiarly felt by the natives of India; but at the same time not a little affecting every one who wishes well to the present situation of this country.

The right hon. gentleman piques himself much in not having violated the charters, in having procured a surrender of what it was alleged others had violated, in having obtained the consent of the Company. But let gentlemen be on their guard against this specious assertion. Will ever this House, will ever the public at large consider the concurrence of 250, the deed of a Company which at least consists of 1,400? However this was gained is not easily reconcileable with fair and equitable conduct. But be that as it will, there certainly is no great foundation for triumph on the occasion. At least, if the charters were violated in the one case, they were equally so in the other; and with this specific difference, that by the first the property in all respects is not only secured to the Company, but receives such a security as is evidently an advantage; whereas, in the Bill now proposed, the violation strips them of what is theirs not less materially, without affording them any recompence whatever.

Much has been said concerning the control which is established in this board; and the responsibility of the ministers for the time being, is the only security which the public has for the exercise of all their power. But are these two powers to operate? The decisions of this very strange board are therefore, like all other acts of administration, accountable to parliament. How? Why, should they presume to go such length as may, in any degree, thwart the inclination of the crown, the minister, or any secret adviser, their existence is from that moment determined, and they are, without farther ceremony or deliberation, dismissed. Is it natural for men in such a situation as this to exert their talents independently, to propose any radical establishment or effectual redress? No; they know to whom

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they owe their situation, and in proportion as they value themselves upon it, must accommodate their principles and operations to that will on which they depend. Was any thing like this imputable to the measure which preceded the present one? No attempt, I trust, will ever be made in this to lessen the regard I have for the noble earl (Fitzwilliam); I mean no affront to any gentleman, or to state any comparison; but surely I shall not be told that this illustrious nobleman was in the least degree to be influenced by any minister whatever.

Will the right hon. gentleman, will the public, or will any description of men, however interested, deem their interest more secure, their affairs less liable to mismanagement, or their patronage less obnoxious to jobbing and caprice by the learned gentleman who may be secretary for that department, than by those gentlemen whom I had the honour to nominate to the board of direction in the Bill which preceded this? Who are the likeliest to be guided by the partialities, or little mercenary motives of private interest or private connexion; one man, however able, honourable, or respectable, or a body of men, all equally eminent for their amiable and excellent qualities?

The patronage of such a territory and so much revenue must be considerable, and attended with infinite influence wherever it is placed. How was this disposed of by the Bill which this House adopted, but which the other rejected? Why, the power of appointing all orders of men in the system of operation or new establishment thus proposed, lay in the seven chief directors, to whom all the trust of the Company was committed, and in whom every post, civil, commercial, or military, originated. These commissioners or directors were to reside at home; for what reason? That they might not only be under the control, but under the inspection of this House. No very pernicious abuse could then prosper or be indulged for any length of time. Complaints might be investigated almost as soon as uttered, and redressed before they could become very grievous.

But how does this matter stand by the new Bill? The government of India, after undergoing, to be sure, a most thorough reformation, is still to remain as distant from Britain as ever. The governor-general is to have the same powers of interior regulation as he had before. Does not the very aspect of the system, as thus exhibited, bear a most promising encouragement to all the various modes of intrigue, peculation, and outrage, which have been heretofore in use in that most miserable corner of the globe? Will succession and regular gradation be easily established in all the various lines of conduct, in which it has been so long the habit of the place to act without regard to order or merit? Is it likely that these abuses will be avoided at a distance which renders discipline impracticable? How, on such a quixote system as this, is a governor-general to be recalled? It is true, a principle for this purpose is provided, but in such a manner, as, in my opinion, is an effectual bar to its operation. For the plan proposed, and that of the present administration, is in nothing more compatible than in the mode of their acting. Something like secret influence seems to pervade both the one and the other. The moment a governor-general is sent out, it may be expedient and adviseable to supersede him, even before he is fairly settled in his government. But though this were not the case, how is he certain of being admitted to act, when he arrives, in the high capacity to which he is appointed? Do not all the officers of state, whether political or military, depend on the governor-general? Will they not regard him therefore, as one, in whose official existence they are peculiarly interested? Will they not, should he choose to be refractory, strengthen his principles of disobedience? Will not all the sentiments of gratitude and inclination be on the side of giving a negative to the orders from home, as has always been the case? The governor-general for the time being would be more than man, let it be Mr. Hastings, or whoever else it may be, to withstand such potent temptation. But, surrounded and fortified by a great variety of individuals in every department of life, who owe their all to him, established in all probability on a system of his own creation, and possessed of infinite projects which he might think advantageous, it is not the orders of a few men, empowered in but a limited measure, that will affect him. Such a man, an authority adequate to the object could only remove. This is no idle speculation. The history of the Company renders it explicit. The experiment of the Bill in question has been made, and left such effects on the minds of the people in this country, as must undoubtedly convince them of its inutility and absurdity.

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Besides, who has not heard of the complaints which have been made of irregular preferment, especially in the military line, but also in the political? We know all advancements arise from what are called cadets and writers. These ever have been sent out from this country in vast abundance; and on the system now agitated, that superfluity of persons which can be of no use at home may still be transported abroad. The trade is likely enough to be continued, but with no sort of emolument to the public, though individuals will undoubtedly, as usual, continue to amass fortunes without any dread of punishment or trial, whatever their delinquency may have been. This, as well as every other consideration to which the subject led, was a demonstration, that the system which had produced so much mischief in the affairs of the Company was not changed for another, was not even changed for a better, was in fact only patched, and patched in such an awkward and clumsy manner as, in my mind, makes the new in some degree worse than the old. For we are now arrived at that time which renders it necessary to be decisive; and without measures of this description, this country will soon be in such a situation as must render all measures ineffectual, unnecessary, or abortive.

The Bill adopted by this House went somewhat farther; it proposed a radical change of system in the constitution of the Company. It did not place the government of India out of the reach of parliament, by placing it out of the country. It did not render the controlling power ineffectual by placing the patronage in the servants, but in the directors of the Company. The consequence was, that a plan of efficiency was established, and provision made for all the exigencies to be expected from a scheme of things so multifarious and involved. Every one in a subordinate situation in that unfortunate country could, by that establishment, look beyond the menaces of a governor-general, and promise themselves redress in spite even of his monstrous influence and powers. The appointments and advancement in all the various departments in the government and commercial establishments of India, being in others than those on the spot, or the immediate executors of the powers with which the original direction were entrusted, would undoubtedly draw along with it the independence of those whose situation arose, not from any artful management there, but from what could be advanced in their favour here. This capital regulation I consider as effecting a perfect violation in the whole system, which has been the occasion and cause of so much mischief. Every India bill short of this must therefore be ineffective, and consequently inadequate to the defects it is intended to remedy.

Where, then, is the abuse of patronage so much deprecated by members on the other side of the House, as unavoidable from the Bill I brought in? There is no abuse of that kind whatever, which is not guarded against as much as human sagacity can, as much as the wisdom and foresight of this House could. The whole of this prodigious and invidious trust is lodged with gentlemen of unblemished honour and independent fortunes, to whom few temptations can be powerful. The consequence is, that the patronage of the Company has at least all the chance of this circumstance: and is not this a more rational ground of confidence to the public at large, than any individual whatever? Let us suppose but for a moment, such a mode of government was realized, it would be placing India on nearly the same footing with that of Ireland. Who does not know how very disagreeable and impracticable the duty of a viceroy of Ireland is, especially under such vicissitudes of administration as have lately characterized this country? Within but a very few years, this fact has been strangely verified by all the various noblemen who had the honour of sustaining that elevated station. Which of them have not found it impossible to act under ministers on whom they had not the completest confidence? Will not this be the case with whoever undertakes the practical part of the executive administration of Indian affairs? Who knows but the same ship which carries out his commission, may also carry out his recall; or at least, before he reaches his destination, an edict may either be announced of his incompetency, or a report, for the purpose of defeating the very object of his appointment? In that case, what can he do but refuse acting under people whose principles and politics are so palpably different? How, then, is this strange, unsettled habit to affect the policy and the commerce of India? Is not that very thing immediately reduced to a chaos? And how, by such a policy as this, are the many gross improprieties and absurdities which have been the subject of complaint for years to be

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amended? The evils are then without remedy, and must, for all the present provisions, remain so. Such, Sir, are some of the outlines of the system proposed to this House, in plain and open contradiction to the measure which they have already preferred. What then is to be the decision? Can any man be at a loss to divine? certainly not. The House has already stamped the measure it prefers with its approbation, and cannot adopt another. They are satisfied with their own determination, and will not, on slight or superficial grounds, prefer another. The comparison in the progress of this Bill with theirs is unavoidable, and they must in the end adhere to a resolution which arose from the closest and most deliberate discussion.

The Bill of this House was strongly reprobated, because it established an influence unknown to the constitution. This I have often combated. It is now time, since all argument is without effect, to try the force of assertion. It is what I utterly deny: and I desire any one to point out in what single particular any part of it will bear this construction. This has often been asked, but none of the gentlemen on the other side of the House have yet deigned to give me an implicit answer. It never, at least, struck me in such a ludicrous light; otherwise I certainly should not so strongly and repeatedly have avowed the contrary. It is, then, brought to a test. Another Bill, on very different principles, and possessed of very different functions, is brought forward; and how does it dispose of the influence which has been magnified and enlarged to such an extent, in order to make it the bugbear for a certain purpose? Does it not lodge the whole in the crown? And who can be at a loss to see the meaning of this admirable device?

The last parliament, to their immortal honour, voted the influence of the crown inconsistent with public liberty. The right hon. gentleman, in consequence of that vote, finds it probably unequal to the great objects of his administration. He is therefore willing to take the present opportunity of making his court where he knows such a doctrine as this never will be acceptable, and the plain language of the whole matter now is, that the patronage of India must be appended to the executive power of this country, which otherwise will not be able to carry on schemes hostile to the constitution in opposition to the House of Commons.

Having thus far tried the relative excellencies of these two Bills, it may not be amiss to attend to the distinction which this one affects to set between the commercial and the political interests. But has it separated these two inseparable objects? Does not the institution he states promise only to perpetuate the very seeds of animosity and contention, which such an innovation in the interior of the Company's affairs would no doubt engender? And to be sure the mode of settling this matter is not the least curious particular of the whole, and seems calculated only to render ridiculous what is incapable of any other colouring.

I forbear going into the substance of the Bill more at large, as undoubtedly that will be more in point when the principle of the measure comes to be disputed. A great variety of particulars incidentally mentioned by the right hon. gentleman, however, are entitled to notice. I am aware how much energy his eloquence derives from the use of particular words, of which he certainly has a very choice selection. 'Half-measures' has therefore been marked as the watch-word of the party, and undoubtedly it has its use, though not quite so sounding and agreeable to the ear as 'confiscation,' and 'chartered rights of men,' which admirably serve the purpose of filling a period and pleasing the ear. But the first has the advantage of the second in this, that it is true, and the other is not. The history however of half measures is briefly this: last year the right hon. gentleman was rather shy, and refused to accept his present situation, from a very wary apprehension that the House, which had dismissed him from the service of the public, would not support him. All the summer, it is more than probable, the game which had been lately played at St. James's was going on. Private advice and whispering in abundance prevailed at court, in order, if possible, to reduce the consequence of parliament, and get the better of that confidence which was the support of ministry, and might still operate to a farther retrenchment of the royal prerogative. The young candidate for office on this account still wished for a more favourable opportunity. He had formed his plot perhaps on this very Bill. He therefore at the opening of the session, apprehensive that we might not be forward enough for his particular views, boldly took upon himself the office of goading us on; and then it was that he

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exclaimed against every species of 'palliatives and half-measures.' But I appeal to the House, if the measure now produced could be entitled to any other appellation, but for the right hon. author of it. Any other person who should have produced such a plan, must, at least, have expected to hear it branded as a mere palliative or half-measure. In short, after viewing the propositions of the right hon. gentleman in every point of view, they strike me at least, as I trust they will strike the House, as partial, incomplete, and furnishing the Company and the public with only an alleviation instead of a remedy. It was just some such crude and indigested matter as this that I expected. The system of the minister at present is founded on secret influence, and that system must inevitably terminate in public ruin.

Mr. *Lushington* said, that the propositions from the minister to the East India Company had not been communicated to the court of directors, or at least so as to have their acquiescence prior to the discussion of the court of proprietors. He gave an account of the precipitation with which it had been agitated and carried through, so as to obtain the approbation of the proprietors. He complained of not having an opportunity, from this and other circumstances, of speaking his mind on the aspect in which it appeared to him. The two things for which he thought it chiefly exceptionable were, the appointments of the several officers, both political and military, and the very enormous influence it placed on that account in the hands of the crown. On these two accounts he strongly condemned the Bill, and hoped no such flimsy, half-formed measure, the mere bantling of a faction, could ever deserve the confidence of this House.

Debate in the Commons on a Charge of Bribery brought against the late Ministry.] When the Speaker was about to put the question for leave to bring in the Bill,

Mr. *Yorke* rose, and said, that as the right hon. gentleman had dwelt so much on the corrupt practices alleged by him to have been resorted to during the recess by the present ministry and their agents, he could not help breaking in upon the debate, though what he had to communicate was not immediately connected with the subject then before the House. It nevertheless materially concerned their privileges, and was well worthy their attention. Much had been lately said of influence of different kinds; what he meant to state was a new species of influence, not the influence of the crown, not secret influence, not the influence of ministers, but the influence of ex-ministers, and that of no less an extent than the actual offer of a place of 500*l.* a year to a member of that House, if he would change sides and vote with them. This offer, however, was a sort of provisional treaty, and was to attach upon the late ministers coming into office again. The fact, he said, had been related to him by an hon. member with whom he was connected, and who then sat very near him, and could give the House full information of the manner in which the offer had been made to him during the late recess. [Mr. Fox and lord North called out immediately, by whom?] Mr. Yorke said, he left it to the hon. member to say. He then said, he had heard another story, which he was almost ashamed to relate, as it was too ridiculous to be stated within these walls; he would, however, inform the House of it. It was, that his Majesty's late ministers had sent down the sum of 500*l.* to Scotland, and lodged it in the Bank of Edinburgh, for the purpose of quickening the pace of the Scotch members, and enabling them to use dispatch in coming to town on the first meeting of parliament, by furnishing them with sufficient to defray their travelling expenses, for which they were to apply to the then lord advocate of Scotland (Mr. Henry Erskine). This fact had been stated to him by the same hon. gentleman who told him the former, and he had heard it in public company at Edinburgh from a member of that House, who had been in town before Christmas, but who was not yet arrived. He declared, he had thought it his duty to state these facts to the House.

Lord *North* thanked the hon. member for his information; he thought it merited the investigation of every member within these walls; it contained points which, if verified, were highly prejudicial to the honour and reputation of the House; he therefore pressed inquiry into the matter; though he was satisfied, that on a temperate review of the matter, it would be found that what had been stated had originated in error and misinformation.

Mr. *Fox* wished every circumstance to be minutely examined. The duke of Portland's character as a minister was in

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question. He was convinced of the noble duke's integrity, and that on all such surmises he was disposed to invite or challenge rather than to avoid and skulk from inquiry. Would to God, said he, that all persons against whom similar charges have been laid were equally forward in denying their truth, or in calling for a scrupulous investigation of their circumstances. Upon what foundation do the present allegations rest? How are they supported? Till this is known, is it fair or honourable, or becoming the character of a gentleman, to throw out an unfounded invective, tending to prejudice the minds of the people at large against the noble duke, whose integrity could neither be challenged nor impeached? As to the sum of 500*l.* which it was alleged had been lodged in the Bank of Edinburgh for the purpose of forwarding Scotch members to parliament with expedition, and which was placed under the government of the late Lord Advocate, he knew nothing of this transaction. It had been asserted, that a member from that country in indigence had applied for the benefit of that fund, and had obtained it. This circumstance he could only explain on the supposition that a person of this description had applied to the late Lord Advocate, who he was convinced possessed the same benevolent sentiments with his predecessor in office, and that he, commiserating the state of so necessitous a member, anxious to discharge his duty to his constituents, but distressed by the pressure of poverty, had extended to him that charitable assistance which every humane man would have done in a similar situation.

Mr. *Dundas* very handsomely vindicated the political integrity of the late Lord Advocate. He said he was incapable of being prostituted into the character of a distributer of the wages of corruption, and he was convinced that such description of him had originated in misinformation.

Mr. *Dalrymple*, with no inconsiderable embarrassment, rose to authenticate what the hon. member had stated to the House on his information. He asserted, that on the 26th of December last, a friend of his in Scotland had acquainted him that he had authority to offer him a place of 500*l.* a year on the provision of his abandoning his former parliamentary conduct, and joining the party of the duke of Portland; that he was to enjoy this emolument on the restoration of the noble duke to his former office, and that his conduct in parliament was to be a speculation on that idea. This offer he said came from a relation of his own, whose name he was not under any obligation to conceal, it was Mr. Hamilton of Barganey. He had interrogated that gentleman respecting his grounds of authority and commission, but had been informed that he was not at liberty to explain these circumstances, and would not mention his authority for the world. As to the affair of the deposit of 500*l.* in the Bank of Scotland for the forwarding the Scotch members to parliament, he had been informed of this transaction in a public coffee-house, and on that ground he had given his information to the hon. member who had broached the subject to the House.

Lord *North* then interrupted him, wishing to investigate the motives and sentiments of the hon. member on the reception of the above proposal.

Mr. *Dalrymple* owned that he rejected the offer of place with disdain, and expostulated with his relation on the inexpediency of his relinquishing his old friends and attaching himself to a new junto for the paltry sum offered him. Such terms he could by no means listen to.

Lord *Maitland* declaimed with great warmth on the present violation of parliamentary privilege. It was the grossest that had occurred in the history of the House. It tended to injure the reputation of a noble duke, whose integrity he held in the highest esteem. He would, therefore, beg that the House would not treat it in a trivial manner, but inquire into its grounds, and in particular investigate the authority on which it was founded; and that the person who had dared to use the influence of the late minister without his approbation or consent, should be called to give an account of his conduct at the bar of the House.

Mr. *Powys* observed, though he had differed, with much regret, for some time with the right hon. gentleman (Mr. Fox) he was always happy to pay every just tribute to his merit; and he could not help admiring on this occasion the very open, unequivocal manner in which he had stood forward and repelled the present imputation. In this respect he had set a noble and manly example to the present ministers, and he trusted they would follow it literally and without hesitation.

Mr. *Pitt* protested that he had never understood any thing of the rumour which

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had created so much noise and disturbance till he had heard it in the House, and whether true or false, to this moment he was not certain.

The *Speaker* stated, that, previous to framing a motion, it would be necessary and regular to state the information that had been given by the hon. member to the House. He had therefore drawn out a sketch of this kind, which he would submit to their consideration. He then read a detail of the information which had been given to the House. Upon which,

Mr. *Dalrymple* begged to explain what he meant in mentioning the duke of Portland's name: he desired to be understood to have meant "the Portland administration;" and, upon Mr. Hamilton's refusing to name his authority, he said he concluded it came from that administration.

General *Conway* said, the name of the duke of Portland had been annexed to the accusation by Mr. Dalrymple, and it now appeared the charge was transferred to the whole of the late administration. The general, with great warmth, agreed upon the unfairness and the injustice of introducing the noble duke's name so unnecessarily, and expatiated on the noble duke's high character; in defence of which, when so scandalously aspersed, every friend to his noble family ought, in honour and in candour, to exert himself.

Mr. *Dalrymple* declared his extreme concern for having accidentally introduced the duke's name. He said, it had been entirely owing to his agitation and flurry; he never had seen the noble duke in his life, nor had any transaction with him whatever.

Mr. Byng, Lord North, and Mr. Fox, who had been out of the House a short time, now entered.

Mr. *Byng* told the House, that he had been with the duke of Portland; that the duke not only declared himself innocent of the whole of the charge, but said he had no knowledge whatever of Mr. Hamilton of Bargeny; and had desired him to assure the House, that he was then in their lobby, ready to come to the bar, and answer to any question the House might think proper to put to him.

Sir *Peter Burrell* moved, "That Mr. Hamilton of Bargeny do attend the House upon this day fortnight."

Lord *F. Campbell* said, he knew Mr. Hamilton perfectly, that he was a most respectable character, a very merry, worthy, and witty old gentleman. If the motion went, he was thoroughly persuaded Mr. Hamilton would come in perfect good humour to their bar, and fairly tell them, that he had never intended a breach of privilege, that he had been joking with his nephew at a mirthful season, and had diverted himself with the story they had heard; that he knew nothing about administrations, and had not imagined his nephew would have told that House he did. His lordship pressed the House to forego their purpose, and to give up the motion, since it must necessarily be attended with much inconvenience to the old gentleman, and could answer no adequate purpose. As to the charge against the duke of Portland, however serious it might appear at first, it was now evidently reduced to nothing, and was not worth the pains of sending 500 miles to fetch an old gouty gentleman, 75 years of age, at a season, too, when he knew the roads in Scotland must be impassable.

It having been proposed to compromise the matter, as on all sides the imputation on the duke of Portland's administration was allowed to be scandalous and without foundation, and that the story of the 500*l.* was completely ridiculous,

Mr. *Byng* said, he would consent to no motion of compromise that contained words short of a declaration, "that those who made the charge had wholly abandoned it."

Mr. *Fox* said, he thought if any words of apology would have been satisfactory, those of his hon. friend would have been so; but unless he was sure that a resolution of exculpation could be carried *nem. con.* he should not accept of such a compromise, and that for this reason: as the ex-ministers were known to be supported by a majority of that House, if a resolution of exculpation were carried upon a division, it would immediately be said, that any motion proposed in their favour would unavoidably be carried while they held a majority, and thus they would be liable to as much suspicion of guilt as if their innocence had in no degree been made apparent; for this reason he wished the motion to be put and carried, notwithstanding the inconveniences and expense to which it would expose Mr. Hamilton.

Mr. *Dundas* said, the House need not trouble themselves about the expence it would put Mr. Hamilton to, as he was a man of considerable fortune, possessing an estate of 5,000*l.* a year. He said farther, that he should wish the motion to go, as it would give a warning to the people in

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Scotland that was highly necessary, and teach them to be more cautious of making use of the duke of Portland's name than they had been hitherto. It would prevent the noble duke's name from being bandied about at elections, and on occasions where it ought not to be prostituted to base and improper purposes.

Mr. *Macdonald* moved, that the word 'fortnight' be omitted, and the words 'three weeks' inserted in its stead; which was carried.

Mr. *Burke* rejoiced that the noble duke had acted so like himself; the first news the House had heard of his grace, being that he was at their door ready and willing to be examined. Mr. Burke contrasted this with the conduct of another, about whose fame rumour has been busy.

The motion, "That Mr. Hamilton do attend the House on that day three weeks," was put, and carried.

Lord *North* humorously asked general Ross, if the lord of the bed-chamber alluded to by him on Monday, was his brother-in-law, lord Willoughby?

General *Ross* assured him it was not.

Lord *North* upon this said, he hoped every other gentleman present who had a brother, or brother-in-law, a lord of the bed-chamber, would put the same question to the hon. general.

After a hearty laugh, there was a pretty general call on general Ross to name the lord in question. At length he said it was lord Galloway.

Capt. *Keith Stewart* said, that understanding that his brother (the earl of Galloway) was the person alluded to, he had called upon him, and requested that he would put down in writing the substance of the conversation between him and the hon. general: his noble relation had done so, and with the leave of the House he would read it. He read it accordingly. The paper stated, that general Ross having called upon him to pay him a visit, he (lord Galloway) entered into a conversation with him on the India Bill, which he condemned as much as he could; but finding the general defended it with great warmth, he changed the conversation, by asking him what he thought of a child of his, then in the room; and some time after, being called out to a gentleman, wished a good morning to the general, who took his leave. This he took to be the substance of what passed, though not having suspected that what had passed in private would ever have been made the subject of a public discussion, he had not paid such attention to his words as to be able to remember them correctly. Capt. Stewart said, that he respected the hon. general, and knew his spirit was high; but still he thought he would have acted more becoming the spirit of a soldier, if, while he was refusing to give his noble relation's name to the House, he had not whispered it to half the members who were in it.

General *Ross* denied that he had whispered to half the members; one noble lord, indeed, had sat down by him on Monday, and begged he would tell him the name, which he refused; the other then told him it might possibly influence his vote that day; upon which he told him that the noble lord in question was nearly in connexion with lord Gower; this was all he had said to any one on the subject. He said he had been unexpectedly waited on by the noble lord, though their intercourse had been interrupted for a considerable period. He called on him in consequence of his visit; the conversation turned on politics; he was shewn into a private room; the noble lord talked of lords Thurlow, Gower, and the Chancellor of the Exchequer, being constantly together at dinner; asked if he thought he could change his political creed to that of the present administration? He answered him that he could not. On which the noble lord said, that he could assure him that it was his Majesty's sentiment, that those who opposed the India Bill to be brought into parliament were enemies to the crown.

Mr. *Fox* said, that it was rather singular that a paper which had been written for the purpose of answering a charge, did not advance one single syllable in contradiction of that charge. This had not been the conduct that night of the duke of Portland, of himself, and of his noble colleague; they had flatly contradicted the charge, and called for inquiry. He was ready to admit, however, that it by no means appeared that the noble lord had acted by the direction of the minister.

Mr. Pitt's motion for leave to bring in his India Bill, which had been superseded by the motion for Mr. Hamilton's attendance, 'to answer a breach of privilege,' was then renewed, and carried without further debate.

Mr. *Fox* said, that though he thought the existence of the House was now secured, yet he did not know what step the

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folly and frenzy of ministers might lead them to take. He wished therefore to know, previous to his moving the order of the day, what assurances he could obtain from ministers respecting the dissolution of parliament before Friday next. If there was to be no dissolution, he would wave, at this late hour, moving the order of the day on the state of the nation till that period.

Mr. *Pitt* was at a loss, in his present state of imputed insanity, how to satisfy the right hon. gentleman on that point. He could, however, assure him, that all his time till Friday, would be employed in preparing the proposed Bill for the inspection of the House.

Debate on the York Petition for a Reform in the Representation.] Jan. 16. Mr. Duncombe presented a Petition from the freeholders of the county of York, setting forth, "That the petitioners, sensible of the original excellence of the constitution of this country, most ardently wish to have it maintained upon the genuine principles on which it was founded; and that it is necessary to the welfare of the people, that the Commons House of Parliament should have a common interest with the nation; and that, in the present state of the representation of the people in parliament, the Commons of this realm are partially and inadequately represented, and consequently cannot have that security for their liberties, which it is the aim of the constitution to give them: and therefore the petitioners again renew their earnest supplications to the House, to take into their most serious consideration the present inadequate state of the representation of the people in parliament, and to apply such remedy to this great constitutional evil, as to the House may seem meet."

Lord *North* said, that having been always an enemy to this wished-for innovation, having seen the nation happy under the present government, and having voted against the proposition before, he thought it necessary to declare that his opinion on this subject had not undergone the smallest alteration: on the contrary, he was now much confirmed in the propriety of his sentiments on this question, by the conduct of the House within these three weeks; a conduct which did them the highest honour, as it proved them to be, what the advocates for a reform had always asserted it was in their nature impossible they should be, a body of men zealous for the purity of the constitution, whom corruption could not warp.

Mr. *Powys* observed, that this was one of those very few questions on which he happened to agree with the noble lord: as long as the government of this country should rest in the hands of King, Lords, and Commons, he certainly would, as far as in him lay, maintain the representation of the people in that House in its present form; but if ever he should see a fourth estate introduced into the constitution, he believed he should be bound in duty not only to oppose, but to promote a parliamentary reform.

Mr. *Burke* wished to know where this fourth estate was to be found, the introduction of which would make the hon. member change his opinion of the destined reform. He said, he should rejoice to learn in what part of the heavenly system this new planet of a fourth estate might be discovered; at present it was invisible; and what might be its influence or operation of its gravitation in the political planetary system, it was not for him to conjecture. But to drop the curious idea of a fourth estate, he would read to the House a few short passages from a pamphlet, written, or supposed to be written, by a person who was very lately a member of this House, but who within a few days had been translated, not transported to a place of rest—the House of Lords, which lord Chesterfield used to call sometimes the hospital of incurables, sometimes the hospital of invalids, and which might also very properly be called a political workhouse, as etymologists say, *Lucus à non lucendo*, like a parish workhouse, where people are sent to when they are no longer able to work. The person he meant was lord Camelford, who, like Elijah, had been wrapt up into the heaven of rest. To whom he had left his cloak, it was not his business to inquire; perhaps this pamphlet might be considered as his cloak, which he left to his disciple in the lower House.—Mr. Burke then read several passages, which laid it down as a constitutional doctrine, that the House of Commons had a right to advise the crown; that the prerogatives of the crown were but trusts for the good of the people, and consequently that they could not be constitutionally exercised to their prejudice; and finally, that no ministry could exist in this country without the confidence of the House of

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Commons.—These, Mr. Burke ironically observed, were the pernicious and anti-constitutional doctrines which lord Camelford had the audacity to lay down and maintain, and which were evidently calculated to introduce, cherish, and support what the hon. member was pleased to call a fourth estate in the constitution. The present House of Commons, acting up to the unconstitutional doctrine of lord Camelford, had had the presumption to look upon the prerogative of the crown as a trust; they had sacrilegiously dared to advise the sovereign to the exercise of it; and they had had the insolence to declare, that there ought to be an administration which possessed the confidence of the House of Commons. Thus they had given efficacy to the unconstitutional doctrine of the noble lord, and introduced that dangerous, that alarming fourth estate, which had operated a political conversion in the hon. member, and of an enemy had made a friend to a parliamentary reform. As to bringing up the Petition, he certainly would not oppose it; but as to the reform itself, he would certainly give it the most hearty opposition, as he had not yet felt any change in his opinion on that question.

Mr. *Pitt* observed, that though much had been said, he did not find there was any opposition to the motion for bringing up the Petition. As for himself, he presumed he need not say that he was a friend to it: soon after his introduction into that House, he had declared his opinion as to the necessity of a parliamentary reform; that opinion he had supported in two successive sessions, and the want of success had not made the least alteration in it. If, indeed, any thing had been wanting to confirm him in his decided adherence to that opinion, it was the conduct of which he had been a witness for some weeks past in that House; a conduct which he was convinced he never should have seen had the reform which the people so much wished for been obtained. He would not, however, be understood to be an advocate for every species of reform which might appear necessary to other men; but a temperate and moderate reform, temperately and moderately pursued, he would at all times, and in all situations, be ready to promote to the utmost of his power.

The Petition being brought up and read, Mr. Duncombe moved, that it do lie upon the table; and Mr. Pitt seconded the motion.

The Earl of *Surrey* upon this observed, that the freeholders of York expected the right hon. gentleman would have done something more than barely second a motion: they fondly hoped that he would have taken an active part in the business, and supported the reform with all his power. They reposed the greatest confidence in his abilities, which were certainly of the first rate; and as they had formed an opinion that he would not consent to make any part of a cabinet in which there was a man who was hostile to a parliamentary reform, so they presumed that success would attend this application. This he had been commissioned by a most respectable body of freeholders of the county of York to communicate to the right hon. gentleman; and he had taken that opportunity to convey to him, in the most public manner, their wishes, their hopes, and their expectations. He himself was a friend to reform: he had seen the fatal consequences of secret influence, which would not have dared to shew itself, had the House of Commons been constituted in such a manner as to be in reality the representative of the nation: in that case Charles Mellish, esq. would not have accepted the Chiltern hundreds against his will, at the desire of the duke of Newcastle, for the purpose of making a vacancy for the borough of Aldborough, which was known to be entirely at the disposal of that nobleman.

Mr. *Pitt* was surprised to hear the noble lord censure him for not doing something more than second a motion that the petition should lie upon the table. He might have expected a censure indeed if he had gone any farther, as he might have afforded the gentlemen on the other side an opportunity to cry out that he had presumed, with defiled hands, to pollute the fair petition of the people; that he, the creature of secret influence, had dared to interfere when there was question of a measure which was to root influence out of that House. He was ready to return the noble lord his thanks for the flattering opinion he entertained of his abilities, if by other parts of his speech he was not convinced that this was overbalanced by a bad opinion of his political conduct in other respects: he was, however, thankful to the freeholders of York for the favourable sentiments they entertained of him; but he was at a loss to conceive where they had learned that he never would make part of a cabinet, any one member of which should be

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hostile to a parliamentary reform; perhaps it would be absolutely impossible ever to form such a cabinet; the proposition was a point on which there were so many different opinions, that he believed if the country was to remain without a cabinet until one could be formed that should be unanimous on this subject, England would never see an administration. To him, on the other hand, it appeared not a little singular, that the noble lord and his friends, who were such determined enemies to influence, should expect that a measure relating simply to the Commons, such as a reformation in the representation of the people, should in any degree originate in the cabinet, or come forward under their influence and protection. All he would add was, that individually he would exert the utmost of his ability to support the measure of a reform in parliament, whenever that subject should be brought before the House.

Mr. *Fox* agreed entirely with the right hon. gentleman, that it was scarcely possible to find a proper number of persons to form a cabinet, who would agree upon the expediency, policy, or necessity of a parliamentary reform. He was glad to find the right hon. member of his opinion, for it completely justified one part of his (Mr. Fox's) conduct, which had been approved by persons, whose good opinion was of great importance to him. When he was sent back to his constituents the last time, on being appointed Secretary of State, many very respectable persons, who found no ground of censure of the coalition, blamed it merely on this, that he had associated with a noble lord who had always shewn himself a determined enemy to a parliamentary reform. His answer to them was the same with that which had been made by the right hon. gentleman, that it was almost impossible to make a cabinet arrangement of persons who should be unanimous in support of a reform. This, certainly, was not the case in the present cabinet; and there was some reason indeed for surprise, that the right hon. gentleman, in the selection of cabinet ministers, had scarcely introduced one single person who would support him in his endeavours to bring about that reform. The person whom the language of the constitution emphatically called the keeper of the King's conscience, was the declared enemy of such a reform; and lord Sydney, with whom he (Mr. Fox) had acted for so many years, had invariably opposed every attempt that had been made to effect this reform. The right hon. gentleman, however, had not sacrificed his opinion on that subject, when he went into the cabinet with these noble lords; nor did he give up his, when he coalesced with his noble friend near him: each had retained his former opinion on that head, just like the right hon. gentleman and his colleagues; and the defence of these ministers for coalescing, notwithstanding their difference of opinion on the question of parliamentary reform, was the defence of his coalition with his noble friend, as far as that point went.

The petition was ordered to lie upon the table.

Debate in the Commons on Mr. Pitt's East India Bill.] Mr. Chancellor Pitt presented to the House his Bill for the better government and management of the affairs of the East India Company. It was read a first time, and ordered to be printed. Mr. Pitt then moved, That it be read a second time on Wednesday the 21st.

Mr. *Fox* said, that as the right hon. gentleman had wished that gentlemen would compare this Bill with that which had been thrown out by the Lords, he did imagine that in fixing a day for the second reading, he would have fixed on one sufficiently distant to afford gentlemen time enough to make a comparison. When he brought in the Bill which had been thrown out, he was accused of having acted with blameable rapidity; and yet he did not move that it should be read a second time sooner than the seventh day after it had been presented; and even then, the right hon. gentleman was pleased to say, that this was shameful precipitation: how inconsistent, therefore, must his conduct be on the present occasion, when he would force the House into the consideration of so important a Bill as the present? If he wished or expected that the House would give up their former opinion, and turn their backs on their own favourite Bill to adopt another, it could not be supposed that this conversion could be wrought by magic; it must be the consequence of conviction that it was a better measure than the former; and this could not be known unless both were compared, which could not be done unless time were allowed for that purpose. He would therefore suggest, whether it would not be more proper to go into the second reading on this day se'nnight.

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Mr. *Pitt* said, that it would ill become him to fall into the fault which he had taken the liberty to blame in the right hon. gentleman, by attempting to hurry through the House a measure which he could expect to carry only on a persuasion of its superior excellence. But it was easy to convince the House that there was not the least ground for the charge, because there was not the least similarity between the conduct of the right hon. member and his own. When the first Bill was brought in, it came suddenly upon the House; the parliament had been called early together; they were told that the business of India would be brought before them; but the precise measure that was to be proposed was kept a profound secret, till the very day it was opened to the House. At that time, the House was satisfied only of one point, that something must be done for securing the empire of India to this country: the something which was proposed by the right hon. gentleman was of so extraordinary a nature, and so dangerous to the constitution, that the House might well have expected to pause, to call for time to consider of so new and extraordinary a measure: a delay of only three or four days was asked, for the purpose of procuring a numerous attendance of members by a call of the House, and yet that delay, short as it was, was refused: it was, therefore, with peculiar inconsistency, that the right hon. gentleman called for a delay, who would consent to none, when a similar request was made to himself. Another striking difference between the present and the late Bill, was, that the former was brought in upon grounds which had been over and over again debated during the discussion of the rejected Bill: to spare the rights of the Company, as far as was compatible with the safety of the public; to avoid the introduction of any innovation upon the constitution, and to guard against giving any new and dangerous influence to the crown; these were the great outlines of his Bill; and these were the points for which he, and those who supported him, opposed the right hon. gentleman's Bill. But, what was most singular in the conduct of the right hon. gentleman on the present occasion was, that though he had all along argued, that the delay even of a day might be fatal to India, he was now completely forgetful of this circumstance, and called for a delay of three days; and when it was considered that he meant, if he could, to have this Bill thrown out, in order to make way for the re-introduction of his own, it was clear that, if he succeeded, there must be another more considerable delay consequent upon this, before his Bill could be past; and thus the affairs of India, which might be ruined by the loss of a day, were totally disregarded in this struggle by the right hon. gentleman. For his own part, however, as he wished not that his conduct should in the smallest degree savour of that precipitancy, which he thought so blameable in the right hon. gentleman, he would give up the point in question, and consent to put off the second reading to this day se'nnight.

Mr. *Burke* contended, that the grounds of the Chancellor of the Exchequer's Bill had not been all discussed: there were several points that were new, and required serious investigation. The erection of a tribunal for the trial of delinquents in India was entirely new; the absurdity of it, however, could not but strike at the very first blush of it; a court made up of persons who were at one time judges and delinquents must be expected. The Bill just brought in was so very far from being built upon the grounds of the objections which had been made to the Bill of his right hon. friend, as to be founded on the reverse of these grounds: for the strongest of these objections went to run down an undue influence, and yet the new Bill vested in the crown an influence paramount to any that had been created by the first Bill. It put the whole East India Company into the hands of the crown; and the influence arising from the patronage would be the more dangerous, as those who were to have the distribution of the whole in reality, though perhaps not in name, would be removeable at the will and pleasure of the crown. But, it was said, the consent of the proprietors had been obtained for all that was to be taken from them. This was, in reality, an insult to common sense; for he would contend, that the violation of their charter was not the less for this consent. The proprietors knew that, whether they would or not, their charter must be infringed; and therefore they were glad to purchase what the minister was pleased to leave them, by a voluntary surrender of all the rest—if that could be called a voluntary surrender, which made men give up what it was no longer in their power to keep. The felon, under sentence of death, gladly receives his Majesty's par-

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don or remission of the sentence, on condition of transportation: why so? because he knows, that if he refuses the pardon under this condition, he must be hanged; and therefore, melancholy a thing as banishment is to a man who loves his native country better than any other in the world, still he consents to live in exile, because, by consenting so to do, he preserves what is still dearer to him—his life. For his part, he was ready to pay homage to every corporeal and mental virtue that he could see. [A loud laugh.] Mr. Burke said, the laugh was perhaps a greater mark of ignorance and folly in those from whom it proceeded, than a proof of a blunder in any thing he had said; for he could produce an author of the very first character, in whose works he could shew the same expression. He could not, therefore, attempt to cure an expression which was far from being a blunder: he called that a corporeal virtue which depended on the body; such uncommon boldness arose from very strong nerves: and he never knew any one more fully possessed of this corporeal virtue of boldness than the young Chancellor of the Exchequer, who dared to come into office by means the most disgraceful and unconstitutional; and who, in defiance of the respect due to the public and to that House, dared to persevere in remaining in his present situation, contrary to the sense of that House, which had expressly declared that they had no confidence in him; and yet he had the modesty to expect that the House should proceed to examine his Bill! But, surely, he ought at least to have told them whether they were to be suffered to live long enough to discuss it, and either pass or reject it. They had, indeed, got assurances from day to day, but it little became the dignity of that House to live constantly by reprieves; if their death-warrant was signed, let them die; but if it was expected that the Bill should be examined and debated with candour, let the terrors of a sudden execution be removed, for under them no freedom of debate could exist.

Governor *Johnstone* said, that some men were so happily sagacious, that they usually broke ground on both sides; at one time they would say, and build an argument on it, that the proprietors of the East India Company had not given their consent to the propositions which form the basis of the new Bill; and yet, for fear they should be foiled there, they cunningly turn the tables on their antagonists, and say, that if they even did consent, it was of no consequence; because, if they did consent, it was merely to give up what they were no longer able to keep; so that whether they did or did not consent, was a matter of the utmost indifference to these gentlemen; they liked a war of tongues, they delighted in speeches, in tropes and metaphors, but generally steered clear of argument: for his part, who did not like a war of words or tropes, he would speak from facts, and from them he would argue. A very respectable gentleman (Mr. Lushington) who was a director of the East India Company, and whom he was happy to see in that House, had said on Wednesday last, that the court of directors had not given their consent to the resolutions of the 6th of this month: this was very true; for, by some means or other, the business was put off till the very last moment, when the resolutions were carried before the court of proprietors, where they were agreed to, the directors being present, and none of them objecting to them. But since the ballot, they had been again discussed in the court of directors, where no one was prepared to oppose or debate them; and they were agreed to unanimously, though the hon. gentleman himself was present: and indeed he would have been not a little surprised if he had opposed them, because the hon. member had early declared himself an enemy to the principle of the first Bill. It had been said also, that though the resolutions had been carried by a ballot, yet the number of persons who balloted was so small, that they could not be conceived to convey or express the sense of a body of proprietors, amounting in number to 1,400. This, however, was a strange mode of reasoning; for as well might it be said, that the sense of the House was not expressed by the members present on any question, but by those who were absent, if the latter surpassed in numbers the former. Such doctrine would not be suffered in parliament; and if it was false when applied to this House, it was not less so when applied to the court of proprietors: they were all summoned by public advertisement; they might all have attended; if they had, they might all have balloted; and it might be fairly presumed that the absent did not dislike the resolutions, or they would not have failed to attend and oppose them: and in order to ascertain this

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fact, as far as man could pledge himself for the actions of other men, he would be able to get a majority of the general court to give their sanction, not merely to the resolutions, but to the Bill this day brought in. A right hon. gentleman who spoke before him, had cast severe reflections on a tribunal that had the control of the servants of the Company in India, stating, that they would screen delinquents; he would, however, venture to say, that men as respectable, and of as fair and honourable a character as the right hon. gentleman, would be found to exercise the capacity of judges on all occasions, with as much integrity as any men in the kingdom: he therefore wished that gentlemen would refrain from general and indiscriminate censure, and confine themselves to those charges which they could substantiate.

General *Smith* insisted, that the Company had acted, in the late negociation with the minister, like men who were ready to give up every substantial interest, provided they could retain some little shew or appearance of what they were losing. The directors did not treat like persons who were willing to part with a little, in order to preserve a great deal; on the contrary, they did not blush to offer more than the minister's shame would suffer him to accept; for they had made an offer to surrender to the crown the appointment of governor-general, which the Chancellor had been ashamed to accept.

Mr. *Rolle* said, he was not a little surprised at hearing Mr. Burke talk of insulting the dignity of this House, which he disregarded so much as to restore to their employments in an office two persons who had been charged with frauds; and had restored them after he had felt that such a proceeding would be highly disagreeable to the House.

Mr. *Burke* said, the hon. governor ought not to blame him for liking a war of words; for he himself had never failed to come in for his share; the hon. gentleman could give broadside for broadside; and he knew how to open his lower deckers as well as any man in that House. As to what had been said by the hon. member who spoke last, he held his abuse in such contempt, that he would not deign to give an answer to it.

Mr. *Rolle* replied, that since the right hon. gentleman despised him, he would, on Thursday next, move for papers relative to the transactions he had alluded to; and on which some propositions might be grounded, that would make the right hon. gentleman not very well pleased with himself for having acted with so very little deference to the opinion of that House and of the public.

Mr. *Burke* said, he did not mean to say that he despised the hon. gentleman; but he despised, most cordially, the threats which that gentleman had, more than once, thrown out against him.

Sir *Richard Hill* cautioned the House to be on their guard, not less against corrupt influence than against secret influence: the latter might sometimes be good, but the former never. There was one instance of secret influence being of public utility, and it was related in a book which it would be for the good of mankind was it much more the study of the world than it is; he meant the Holy Bible. There it was related, that when Haman was meditating the destruction of the Jews, the honest Israelite Mordecai went to the queen of king Ahasuerus, who, by the power of her secret influence with her husband, averted the danger which threatened the people of God; and Haman, who was already rioting, in imagination, on the spoils of the Jews, was driven from the cabinet of his prince, and was hanged on a gibbet. Thus an innocent people were saved from destruction, and justice was executed on a villain, through the means of secret influence. But corrupt influence must ever be bad. What might be the consequence, if it should happen that an heir apparent should attend in that House, and during a debate should, by his looks and gestures, endeavour to countenance a faction, and influence the votes of members? Might not such conduct be construed to be a species of corrupt influence?

Here sir Richard was interrupted by a general murmur of the House, and a cry of 'Order!' from many parts.

Lord *Melbourne* said, that what the hon. baronet had been saying, amounted to a direct attack upon the prince of Wales, and therefore he would call upon him to adduce his proof.

Sir *Richard Hill* replied, that he meant no attack upon his Royal Highness; he was only speaking hypothetically.

Lord *Delaval* spoke in favour of lord North, and of the Bill which had been rejected: and concluded by saying, that the prince of Wales acted extremely right, in his opinion, in attending the de-

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bates of parliament, for the purpose of imbibing true principles of the constitution, of which he was born to be one day the guardian and protector.

The Bill was ordered to be read a second time on that day se'nnight.

Debate in the Commons on the Rumours respecting a Dissolution.] Mr. Fox moved the order of the day for the House to go into a committee on the State of the Nation.

The Earl of *Surrey* begged the Chancellor of the Exchequer to inform them, whether a dissolution would take place before the India Bill should have been disposed of. He had a petition from Sheffield, for a Bill that was absolutely necessary for that town to carry on its business; but as the idea of a dissolution pervaded men's minds, the people of Sheffield did not think it prudent to apply to the House at present, lest, after they should have proceeded some way in the Bill, the parliament should be dissolved, and they should thereby lose both their money and their pains.

Mr. *Fox* said, that let the right hon. gentleman give what answer he pleased, or no answer, that would not satisfy him, or prevent him from going into the committee.

The *Solicitor General* hoped that his right hon. friend would give no answer at all to the question. He wished this country might never have a minister who should suffer himself to be drawn in to pledge himself not to advise the crown in any given contingency, to exercise his prerogative of dissolving his parliament: and he equally wished that this country might never have a king, who would tie himself down upon every occasion not to exercise this prerogative, even when it should seem to himself and to his ministers advisable to dissolve the parliament. Did gentlemen wish to strip the crown of this prerogative? Let them bring in a Bill for that purpose, as was done in the reign of Charles I, which should declare that the parliament should not be dissolved without their own consent: such a Bill once passed into a law, would of course become part of the constitution; and then he would have no objection to it. But he would appeal to the judgment and decency of the House, whether it would be proper to be continually calling upon the minister and the crown for answers and explanations. After the Revolution, an address had been presented to William 3 by the House of Commons, to request his majesty would inform them by whom he had been advised to give his negative to a bill that had been presented to him for his royal assent. An answer was given, which happened not to please some men, who moved for another address, in order to obtain a more explicit answer; but the good sense of the House interposed, and quashed the proceeding.

General *Conway* said, that a most unconstitutional doctrine had been advanced by the Chancellor of the Exchequer the other evening, of which he took notice at the time; but the right hon. gentleman did not think proper to take any notice of his animadversions. He said, that it was his duty, as a minister of the crown, not to make any comments on the King's answer. Now, as he had all his life been taught to look upon every answer from his Majesty, and speech from the throne, to be the answer and speech which the minister had put into his mouth, the minister of course must know the meaning of what he himself advised; and as he was responsible for both, he ought of course to explain them, when they appeared not to be sufficiently understood. To refuse, therefore, to give an explanation, under the pretence that an answer was the answer of his Majesty, was, in his opinion, unconstitutional, unparliamentary, and destructive of that freedom of debate which made it necessary for every speech and answer from the throne to be in fact the speech and answer of the ministry.

Mr. *Pitt* replied, that his reason for not thinking it proper to give any explanation of an answer was, that it was not constitutional, and for this reason; the answer being, as it unquestionably was, according to parliamentary usage, the answer of the minister; for which answer, be its meaning what it might, he must be responsible; as a minister who advised it, he was of opinion, that it would be improper to give, in his place in the House of Commons, as a member, an explanation, for which he was not responsible, of an answer, for which, as minister, he was responsible.

Debate in the Commons on Lord Charles Spencer's Motion for the Removal of Ministers.] The House then went into a committee on the State of the Nation; Mr. Hussey in the chair.

Lord *Charles Spencer* rose, and said, that notwithstanding the want of habit of

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speaking in that House, and his natural timidity in that respect, he should offer a resolution to the committee, which was become necessary to the welfare of this country. The House had already declared, in the most unequivocal terms, their want of confidence in the present administration: by what arts they still maintained their situation he knew not; but he was certain, when his Majesty should be convinced that the House of Commons could not confide in his present ministers, he would that instant withdraw his confidence from them. The resolution which he had to offer followed naturally those to which the House had already agreed; it was the most moderate that could be proposed in our present situation, and would, he hoped, have every good effect, and the kingdom again see a settled, efficient administration. His lordship concluded with moving, "That it having been declared to be the opinion of this House, that, in the present situation of his Majesty's dominions, it is peculiarly necessary there should be an administration that has the confidence of this House, and of the public; and that the appointments of his Majesty's present ministers were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House; the continuance of the present ministers in trusts of the highest importance and responsibility, is contrary to constitutional principles, and injurious to the interests of his Majesty and his people."

Mr. *Baker* seconded the motion, and called upon ministers to know if there were any grounds for certain rumours, now in circulation, that monied men in the city had joined together, and offered to furnish government with a very large sum, for the purpose of enabling ministers to dissolve the parliament, and corrupt their constituents. If these rumours were true, a deeper wound was thereby given to the constitution than any it had yet received, and a fourth estate was created with a witness.

Mr. *Powys* said, as the two resolutions, to which the present resolution was declared to be a necessary consequence, were voted at six o'clock last Tuesday morning, when gentlemen were quite exhausted, and unable to enter into a debate on matters so extremely important, he rejoiced at the subject of them being now brought forward, when a fair opportunity for discussing it offered. He said he had not been in town before the holidays, when the hon. gentleman who spoke last had made his motion on the 17th of December, or he should have voted with him. At this time, he observed, the two great parties into which that House was divided, had at the head of each of them a man of high honour and transcendent abilities; both of them characters to whom the country must necessarily look up with admiration and confidence. He did not like the ground on which the present ministers came into office; but as they were there, he had rather they should not go out. He said he had a great predilection for Mr. Pitt; he had also as strong a predilection for Mr. Fox, notwithstanding he could not approve of his coalition with the noble lord in the blue ribbon. He admired and acknowledged his great talents, and he would freely declare, he thought his ambition laudable and honourable. He must at the same time say, he believed he did not care by what means he gratified it. He had long wished the two right hon. gentlemen could have acted together; but then he would acknowledge he saw the difficulty. The noble lord in the blue ribbon could not be disgraced without the right hon. gentleman's being disgraced at the same time: the disgrace of either must be the disgrace of both. The noble lord now shone with a reflected lustre, with a borrowed light. He was a man not *laudandus*, but *ornandus, tollendus*. He wished that could be the case. Mr. Powys next went into an admirable disquisition on the constitution: with all his anti-republican notions, he said, he regarded the crown and its prerogatives as a part of the people's rights held in trust for them; the sovereign was bound, by the most sacred of all ties, to exercise his prerogatives wisely, and for the benefit of his subjects. His ministers were to answer for the exercise of the prerogative. The prerogative of putting a stop to any bill by a negative, was grown obsolete, but not given up. If a time ever should arrive, when two of the branches of the legislature should conspire together against the other, in what manner must the crown preserve its own independence? He described Mr. Fox's powers in most striking colours, and told the following story in analogy to them:—At one of the king of Prussia's dinners, where the conversation was always carried on with perfect freedom, his majesty being in a gay humour, said to Abbé Bastiani, "When

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you shall obtain the Tiara, how will you receive me, when I arrive at Rome to pay my duty to your holiness?" I will immediately give orders, replied the Abbé, "Qu'on fasse entrer l'aigle noir, qu'il me couvre de ses ailes, mais—qu'il m'épargne son bec." He wished the present minister might be tried, and that his fate might be rested on the only measure he had yet proposed to them, his India Bill. One thing he had heard which ought to give the House the highest confidence of his disinterestedness and regard for public economy; viz. that he had given the late sir Edward Walpole's place of clerk of the Pells to colonel Barré, on condition of the colonel's resigning his pension of 3,200*l.* a year. He concluded with objecting to the motion, as unjust, premature, and unwarrantable.

Mr. *Jolliffe* made a handsome panegyric on lord North, whose conduct and abilities had long deserved and excited his commendation. He argued in favour of the motion, and said that no minister of whom that House and the people did not approve could stand.

Mr. *Drake* said, that in such an alarming crisis of public affairs, when violent measures were pursuing, it became moderate men to step forward and endeavour, by an honest exertion, to defeat their pernicious effect. He said he wished that there might always be an honourable opposition; it was right to keep up in that House a proper jealousy of administration, to make them wary and prudent. Opposition was, he declared, the ventilator of the constitution; it preserved it in health and vigour. He took notice of the Address which the city of London had gone up with to St. James's that day, mentioned the violence of the late East India Bill, commended the moderation of the present, advised the House by no means to agree to a motion calculated to disgrace an administration just come into office, and that had taken no one measure by which their good or ill conduct could be judged of, and concluded with saying, that he should not wonder if the Address of the city of London was echoed by every city in the kingdom.

Mr. *Holdsworth* said, he considered himself as put to his option, whether he would choose an administration in possession of the confidence of the crown, or an administration in possession of the confidence of the House of Commons. It was difficult to decide either way; but he would prefer the latter. He then spoke of the two India Bills, and gave that brought in by Mr. Pitt the strongest commendation. He delivered a warm eulogium on that gentleman's character and talents, and spoke of his conduct in a recent instance, in the disposition of a lucrative place for life, in terms proper for so praise-worthy a piece of conduct. He asked if it was for that proof of disinterested regard for his country, that opposition would turn Mr. Pitt out of office?

Sir *W. Dolben* said, he should not have risen to speak, but for an expression dropped by an hon. gentleman, which not only no true Whig, but no true Tory ever would countenance, he was persuaded. The expression, as it struck his mind, was, that the ministers must be chosen by that House and the people. This contradicted every idea he had met with relative to the British constitution, and therefore he could not let it pass unnoticed. With regard to the motion, when he recollected that the present ministers had as yet had no trial, that a Bill was in possession of the House, which the right hon. gentleman had declared he desired to have fairly discussed, and compared with the Bill of the right hon. gentleman, and wished to stand or fall by that Bill, he could not but think the resolution premature and unwarrantable.

Mr. *Jolliffe* declared, he had not said that the ministers ought to be chosen by that House and the people: what he had said was, that no ministry could stand which that House did not approve.

Mr. *Fox* observed, that political distinctions were by no means involved in the present question. The principles of Whig and Tory, said he, which have given rise to so much difference of sentiment, and to so much disputation in the world, have no connexion with it. In my conversations with the rankest Whigs, and in the whole course of my reading, I have never found the hardiest of them deny a right inherent in the prerogative to elect its own ministers. On this point all are agreed. But though this be the admitted and established right of the executive branch of the constitution, is it not also the privilege of this House, and of Parliament, to decide on the conduct of administration, on the peculiarity of their introduction into office, and on those circumstances which either entitle them to the confidence or the reprobation of the House? It was on this principle allowed

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on all hands, and the exercise of which, in various instances, has saved the country from ruin, that the resolutions of last Monday were submitted to the committee, and afterwards received the sanction of this branch of the legislature.

But although it is undoubtedly the prerogative of his Majesty to appoint his ministers, it may still be a point worthy of consideration, how far it may be prudent, wise, and politic in a monarch to continue them in power, and support them in office, when they are declared by that House to have been elevated to their station by means unconstitutional, and such as have rendered them unworthy of confidence. On this question, as I cannot allow myself even to imagine that a monarch would appoint ministers whom he did not think possessed of the confidence of parliament, so I cannot even form an idea that a wise and prudent sovereign would be hardy enough to continue in office those who have been reprobated as undeserving their regard. In my opinion therefore there is no medium, there is no option to the crown, as long as the late resolutions remain unexpunged.

Sir, it has been alleged, that these resolutions were passed at a late hour, and that they were precipitated in a manner unbecoming their magnitude and importance. It is true they were agreed upon at the conclusion of a long and tedious debate. But let gentlemen reflect on the numbers who voted on the occasion, and even on the length of discussion to which they were previously subjected. There were 338 members in the House when these resolutions were adopted, and, though decided at a late hour, the grounds of them had, in the course of the debate, been frequently touched on, and fully explained.

Much has been said of the importance of an immediate discussion of the Bill which has this day been read in the House; I hope every member will pause over these suggestions; that he will reflect for a moment in whom this Bill originates; that he will consider that it comes from, and is supported by men, to whom this House has denied its confidence, and whose mode of election it has reprobated and condemned.

I readily agree with an hon. member who has asserted, that the failure of any bill proposed by ministers is no cause for their dismission from office. This is a sound doctrine; let it be applied to the dissolution of the late ministry. A Bill received the sanction of one branch of the legislature, and was submitted to the consideration of the other. Every thing seemed to promise it at first a favourable reception in the other House: there was only one method, a method as new as unexpected, as secret as infamous, by which it could be overthrown. This dark design was accomplished by a member of the present administration, but who has since, for reasons best known to himself, resigned his charge. It was not therefore the failure of the India Bill in the other House which ejected the late ministry from office, but the mode by which that failure was accomplished; a mode which, being new and extraordinary, this House has condemned. On these accounts, therefore, even though the India Bill which has been this day read, were the essence of political wisdom, it ought to be rejected by the House.

It has been asserted that the influence of the crown in this House is diminished. Still, however, is it not great and extensive? Does not the dismission of the late ministry, and the adoption of the present, exhibit its magnitude? Were not both these measures effectuated by the means of a dark and secret influence on the royal mind? Was it not in this way that ministers, wh ohad been emphatically styled the keepers of his Majesty's conscience, were dismissed from the participation of his councils and government? These were facts which were no secrets. These the person who was accessary to their existence, found himself under the necessity of publishing; and in publishing them, he published, at the same time, his own infamy. Would a man, with the heart of a man, have acted so mean and shameful a part?

But, whilst I thus express myself with respect to the rights of parliament; whilst I assert the privilege of this House to decide on the conduct of ministers, and to consider the modes or artifices by which they have crept into office; whilst I exhibit and condemn their conspiracies against the constitution of this country, let it not be understood that I wish to diminish those rights which are legally invested in majesty. The prerogative of the negative is a maxim which I have always admitted, always asserted, always defended. Who doubts it? I, for one, never have. And had this prerogative on a late occasion been exerted, not in the dark and

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under the baleful shade of a secret influence, but in an honest, open, and avowed manner, I should have applauded the measure.

An hon. member (Mr. Powys) has reflected on my ambition in the progress of my parliamentary conduct. But by what fact can he substantiate his charge? Has not my conduct been always consistent? Have I trod in any road but one? Have I not sought to elevate myself by direct, open, and constitutional modes? Have I endeavoured to gratify my ambition by the artifices of secret intrigue, by sculking behind the throne, by flattering his Majesty's prejudices? Have I ever deviated from the principles I have avowed, or inconsistently and meanly attached myself to one administration in 1782, and another constituted on opposite principles in 1783? No one can state such objections to my conduct.

A coalition has been the subject of recommendation during the course of debate. I neither court nor avoid union with any party. Such coalition, however, must be established on a broad and consistent basis. Every well-constituted administration must be one with itself. This is absolutely indispensable. The noble lord with whom I formed a coalition, differed from me on various grounds previous to the establishment of this connexion. We differed on the subject of the American war. This difference, however, was obviated when that war came to a period. I thought the influence of the crown too great. On this subject the noble lord also differed from me. This ground of contrariety of opinion was likewise, in some measure, taken away. A third thing in which the noble lord and myself entertained a variety of sentiment, was his connecting himself with an administration of whose measures he did not perfectly approve. This point the noble lord may still defend, whilst I maintain my former opinions. These were the material grounds on which, in our political conduct, we differed, and which being done away, every objection to our coalition was removed. I have, therefore, no objection to connect myself with persons of any description, with whom I can form a permanent union on sound and general principles, with men who enjoy the confidence of this House and of the public. When such persons appear, I shall reckon it a duty to coalesce with them—a duty which I owe to my country.

An hon. gentleman under the gallery has told us, that his Majesty had a confidence in the present ministers; but can such an idea be for one moment supported in the House? Can it be believed that his Majesty has a confidence in men who have formed a conspiracy against the constitution, and got into office by an act of treachery? Such a supposition is a libel on majesty; after the resolutions of Monday it cannot exist; and I have too great a respect for the sovereign to dwell on it.

To confound personal and political confidence, is a common error. That his Majesty may repose a personal confidence in his present ministers, separately and individually, I have no doubt; but that he should repose a confidence in their political character, under the opprobrium which rested on them, is too gross an idea to be admitted or entertained. What language does such a supposition hold out to every member in the House? Is it not saying to him, spend not your time in politics; cease to study the constitution of your country, or to rise to eminence in the senate; study rather the arts of ductility and secret intrigue; these are much better calculated to give you distinction in the state, by rendering you the object of royal regard. I venerate the character of the young man who holds the reins of government at present; I admire his virtues and respect his ability; but if he would conciliate the favour of such a monarch, he must sacrifice every ingenuous quality in his nature; he must substitute cunning instead of wisdom, complaisance instead of honesty, and meanness instead of real fortitude and magnanimity. He, therefore, who maintains that the present ministry enjoy the confidence of the crown, affronts the dignity and wisdom of majesty, and even fights on his stumps in deference of a reprobated administration.

These circumstances, therefore, strongly impress me with the idea, that the King is either ignorant of the resolutions of last Monday, or that his ministers have deceived him with respect to them. When the noble lord who sits near me, and who governed the country for so long a period, at last found himself deserted by the House, and a majority of nine only in his favour, even in this situation he retired with becoming propriety and decency. How much more, then, was it incumbent on those to follow his example, against whom a much greater majority appeared on a vote of censure on their admission to of-

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fice. There is, therefore, a political necessity for the present motion. I am happy, however, that it is not personal, and would still hope that the measures of the present administration will not lay the House under the necessity of following up their former resolutions by an address to the throne.

Much has been said of the confidence of the public in the present administration. I have been told that this day an address has been carried to the throne in support of this idea. But if in that address it has been insinuated to his Majesty that his late ministry threatened, or still threaten, to invade the prerogative, I have only to assert, that such an insinuation is false. A rumour has been circulated, and adverted to in the House, that it is the intention of the public to correct the vices of parliament, by supporting ministry by voluntary benevolence. Of this mode of supporting administration, independent of parliamentary subsidy, I remember to have received a most able and decided opinion from that acute and masterly genius, lord Ashburton, whose loss to this country I cannot sufficiently lament. As, however, it is the most improbable, I think it is also the most innocent mode of supply that has been devised. In the present case, however, it is more dangerous perhaps than in any other. The situation of this House, threatened by the existence of a ministry whom they have condemned, would render such a measure, were there not an improbability of its existence, truly alarming.

Sir, I have only one point more to touch on, but it is one which I cannot pass over in silence. Much has been said of active and passive influence. This is a doctrine, which, in its application to the royal personage who has frequented this House of late, I do not understand. God forbid that he should not take an interest in its political concerns. For where is he more likely to imbibe a knowledge of the principles of the constitution than within these walls? And how can he more eminently illustrate the excellence of his character than by thus blending his personal respect for his Majesty with his attachment to his country?

Mr. *Dundas.* Sir, after the testimony of so many honourable and independent gentlemen, who have, with one voice, acknowledged that the resolution before you is, in the present case, absolutely unwarrantable, I rise with peculiar satisfaction, and cannot but augur well of the event of this night's debate. Sir, I rejoice to see the moderation and temper which has shewn itself on this occasion; I rejoice that we meet the question fairly, and that it is not brought forward as that was, upon which this resolution is founded, and of which it is said to be nothing more than a corollary. The former question, important as it was, not only to the interests, but to the personal honour of his Majesty's present ministers, was brought before us suddenly and unexpectedly at five o'clock in the morning, when every man's faculties for speaking, for hearing, and for judging properly, were exhausted by a previous debate of more than twelve hours, and when a very considerable portion of the House had departed, under the firm and very natural persuasion that no more questions of consequence were likely to be introduced. The present question, as it is brought forward at a better hour and with a better temper, so will it be decided upon, I trust, with a better and clearer judgment; and I assure you, Sir, I shall attempt so far to follow the example of those before me, and of the right hon. gentleman himself (Mr. Fox), as to suffer nothing personal, nothing indecent, nothing heated, nothing unbecoming the critical and awful hour in which I speak, to escape out of my lips.

Sir, the first thing I have to observe is clearly and distinctly this; that allowing, for argument's sake, actual credit for every report without doors, and every insinuation that has been made here, the present resolution is nevertheless utterly without foundation. What, Sir, is the utmost that reports have ever said? That my lord Temple has indiscreetly, wantonly, and, if you will, unconstitutionally, reported his Majesty's private opinion on the subject of the India Bill, and that in the House of Lords that Bill has been by this means thrown out. But, Sir, is my lord Temple a minister? Your resolution says, his Majesty's present ministers: lords of the bedchamber are no ministers; who, therefore, are those men that your resolution means to slander? I call on the noble lord to amend his motion, and to name in it every minister of his Majesty, on whose character he means that this stigma should alight. Sir, I defy any man even to insinuate that any one of his Majesty's cabinet has ever had the least share of that secret influence upon which this motion is founded, and for which it is to turn them out of office. Sir, they are not even

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accused; they have a right to be accused, and they will deny every part of the imputation. The throwing out of the India Bill was a matter previous to their appointment, a matter in which they had no concern, and for which they can share no blame, even if I allow, for argument's sake, that blame is due any where.

His Majesty's present ministers have, I assert, been constitutionally chosen by him who has the sole right to choose them; and by this resolution they are by this House instantly turned out. Sir, is it therefore for their incapacity and insufficiency that you overthrow them? [Hear! hear!] Then, Sir, I insist that their incapacity and insufficiency shall be named in the motion as the ground upon which you at once deny them your confidence. Let this House judge and know upon what ground they give their vote. Let me tell you, Sir, our constituents will ask to know, the people of England must and will know, why ministers named by his Majesty are instantly turned out by the House of Commons; turned out, I say, before they are tried, and condemned before they are accused.

Sir, if this resolution means any thing, it is in the nature and spirit of an address, requesting the King to appoint a new set of ministers. I am forced, therefore, to view it in this light, since it is, in effect, pointed at his Majesty, and must probably be followed up by an address in the same tenor and to the same purport. I beg, therefore, the House will go with me in considering how the royal mind must feel, and what sort of language his Majesty must hold to himself upon such an address: "You send me back the ministers I have just chosen; have I not, then, the right to choose my ministers? Certainly yes, you say. But what crimes have they committed? What is it they have so soon perpetrated? Certainly not one act of their administration is yet passed. Are they, therefore, without the confidence of the House of Commons? Are they men so unpopular, so incapable, so insufficient, that you will not bear with them even for a moment? Is the minister who devotes himself to the House of Commons particularly, so unpopular and so incapable? I had chosen him, I had singled him out as a man, of talents the most astonishing, of integrity the most uncorrupt, of a reputation the most extraordinary. I had fondly imagined him the favourite of the House of Commons; I had been taught to fancy, that in celebrating his name, all my people joined in one anthem of praise. Is it for this, therefore, that the House of Commons thus instantly condemn him? Is it on account of his fair fame and unexampled reputation that I am desired to withdraw my public confidence from such a person as this? It follows, no doubt, therefore, that you wish me to substitute characters as opposite as possible to this? You wish me then to name some man or men in whom I can place no confidence; some man or men whom my people execrate, and in whom I myself, in perfect union with my people, cannot confide. If such men are to be my only choice, if unpopularity, hatred, and distrust are to be the qualifications and the great characteristics that form a minister in these days, it would be matter of the sincerest joy to me, if the House of Commons would permit me to wave my choice; let the House of Commons name their minister, let them search out persons suited to their purposes, only let me not be forced to play the farce of naming to them men whom they have singled out, whom my conscience condems on public grounds, and whom my people tell me they do not approve." Such would be the natural answer of a king, allowing him to be a man of feeling, and a man of honour, like ourselves, on such an unheard-of address as this; just this must necessarily be his private sentiments and soliloquy on the occasion. Therefore, I would beseech the House at once to name the men in whom alone they are determined to confide. Already we know their names. Let us bring in a bill, naming the right hon. gentleman and the noble lord exclusive ministers of this country for a term of years; for that is precisely the spirit and meaning, that, Sir, is the plain English of this resolution; except, indeed, that by the present motion, the House of Lords is exempted from any share in the nomination; whereas, if it was a bill, it would not be the House of Commons alone that would name the minister of this country.

Sir, we have been told by the right hon. gentleman, that this is a great constitutional question, and not a question who shall be minister. I meet the House on that ground, and I beg leave to request no more favour than this, viz. that every man who thinks with the right hon. gentleman, that this is not a question who shall be minister, will vote with him, and I am content that all the rest should vote

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with me. Nay, Sir, if there is any man in this House who in his conscience does not think that this resolution serves to name the right hon. gentleman and his colleagues the ministers and the only ministers of this country, I am content that all such persons, to a man, should vote against me. I feel on this ground very sure of finding myself to-night in a most respectable majority indeed. Sir, I have no personal objections or dislike to the noble lord or the right hon. gentleman; it is upon clear constitutional grounds that I resist this vote, and I call upon the independent part of the House to stand forth and maintain the character, the moderation, for thus I will venture to say they will most effectually maintain the true consequence, of this British House of Commons. Let the House look well to its conduct this night, for this night it is about to decide what is the constitution of this country. The assumption of power and privileges which did not belong to it, has once proved the overthrow of this constitution; we are verging towards the same precipice again, we are claiming to ourselves the right of appointing ministers, we are disclaiming the nomination of his Majesty, without cause and without trial. Mr. Dundas added a few observations respecting the attendance of the prince of Wales in the House of Commons, and hinted, by way of hypothesis, that if on any occasion such personage should testify by his behaviour, or gesticulation in the House itself, any partiality to any particular party of men, such marks of partiality might serve as a means of influence, and would not be perfectly becoming.

Lord *North* said, that having so often asserted the legality of giving private benevolences in bounties for raising soldiers and seamen, purchasing relief in clothes and other things for prisoners, building of ships of war and the like, he could not condemn those who laid out their money in any of these ways, for the use of the public or of those who were engaged in its service; but he would, on the other hand, as positively maintain the illegality of benevolences, when given for the purposes of corrupting an existing parliament, of corrupting the electors at the election of a new parliament, or to enable the crown to do for ever without any parliament at all; and therefore he would be greatly alarmed at hearing that benevolences had been offered for purposes that did not come within the description of those which he stated to be legal, if he was not convinced that men were in general much more ready at promising than at performing; but his fears subsided, when he reflected that one million was not so easily raised on private credit; or, even if it could be raised, those private persons would not be very forward to stake their credit and their property, but more particularly at so critical a situation. An hon. gentleman had said, that he shone with borrowed or reflected lustre; better even were it for the country that this moon should be restored to the hemisphere, than that it should be left in darkness. Was the bright star that ought to illuminate it eclipsed, or was it set, and lost to human eye? The hon. gentleman had applied to him an expression that had been applied to a great predecessor of his, with the difference of a *non*—"non laudandus—ornandus—tollendus." He presumed the hon. gentleman did not mean *tollendus* in the worst sense; he hoped he did not wish him to be killed: he wished him, however, to be *ornandus;* that was to say, in very vulgar English, to be kicked up stairs. For his part, he had no inclination to be kicked up stairs; he should be sorry to stand in the way of any arrangements that might be useful to the country; but nevertheless he would not go to the House of Peers; he would stay in that House, to defend his character and his honour, as often as he should hear it attacked. If, by the course of nature, he should be carried up to the House of Lords, he would think it an honour of the highest degree, if ministers would suffer this House to enjoy its rights and privileges in the scale of the constitution; that was to say, if they suffered any constitution at all to exist in the country; if they did not, then he would go to the upper House, as to a place of rest, or, as some people of this House would say to him, as a place of sleep, where he would repose for the rest of his life, with this only consolation on the approaching insignificance of the peerage, that it was the branch that would be attacked last by the secret influence, and be swallowed up in the immensity of royal power, become absolute by the extinction of the other two branches of the constitution. But his honour and his character would not suffer him to accept of a peerage now: the acceptance of it would place him in that situation in which Agrippine describes herself:—

"Je vois mes honneurs croitre, et tomber
mon crédit."

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It had been said, that the resolutions on which the one then before the committee was grounded, had been carried at six o'clock in the morning; but gentlemen should recollect that it was after a very long debate, and that there were present, on the division, 343 members; a very considerable number indeed, greater by far than the number by which ninety-nine questions in a hundred in that House were determined. His lordship concluded by some handsome compliments to the prince of Wales, who, instead of throwing himself into the arms of base flatterers, attended the House of Commons, where he might learn the true spirit of the constitution, and the nature of this limited government.

Mr. *Macdonald* said, that the true point to be considered was this, whether there was good foundation for the removal of the late ministers, and whether the present could as yet have made themselves obnoxious to the House from any official ground, which alone the House as such could look to. He contended that the India Bill had manifested such principles of government, as made it the duty of the sovereign to remove them. The existence of the constitution was involved in the success of that pernicious project, by which it was demonstrated, that the rights of the crown would be overlaid by the weight of a new influence. He observed, that anecdotes, obscurely stated hitherto, which respected a noble lord in the other House, were artfully introduced to keep out of sight the necessity for a late removal. These anecdotes of a noble lord were, that he gave his opinion, though not in office; and finding those of his sovereign agree with them, published that fact, and from hence it is concluded the Bill was lost in the other House. Admitting the noble earl to have been wrong, for argument's sake, yet how were the present ministers contaminated by the conduct which any individual might think proper to hold? But he denied such conduct was wrong: some lawyers had, indeed, advanced that no subject could advise the crown, but responsible ministers. Only one authority had ever before maintained that it was not the privilege of the peers so to do, and of the commoners, when permitted. Mr. Justice Allybone, the papist judge stuck on the bench of James 2, to judge the seven bishops, had been the first, and he hoped would have been the last, who uttered such doctrine: his brethren on the bench told him, that his doctrine was not to be maintained, and were dismissed for this language of freedom. The alternative then was this, that the successors of those who would have destroyed the constitution of Great Britain, must not be suffered to act, though men of character and principle, to support a doctrine, which, if it were true, they had not to answer for, but which was so far from being true, that it had been reprobated even in James the 2nd's time. Perhaps it could not be better expressed how unjust it was to impute any circumstance which a noble earl was engaged in, to the ministers, than by reminding gentlemen of an expression of the hon. gentleman below the gallery, "that it is ever to be guarded against in reasoning, not to mistake concomitant circumstances for cause and effect." What the noble earl had thought fit to do was not the cause of the appointment of the persons in question, but the salvation of the country, by preserving the unity of the executive power, which every man was deeply interested in preserving; for upon that very unity depended the possibility of keeping it within just bounds. This Bill, he said, which had those pernicious qualities, the noble lord had threatened the renewal of, and the gentleman who had been his colleague had done the same, but was now willing to alter any thing, provided he did not alter the substance. The noble lord in vindicating the resolutions, passed under extraordinary circumstances at six the other morning, and then first proposed, said, "You have them here; you may now consider them, and pass your judgment." It was a method, he remembered, proposed by a man of wit, that the House should vote first, and discuss afterwards; this was exactly putting that plan in practice. The resolutions, from which the present was drawn, and which were stated as rendering it necessary, ought to have come forward with solemnity, and to have been submitted at a time when gentlemen's attention was not worn out. It was plain, that the whole of this topic, respecting any circumstances which an individual might choose to give birth to, was unjustly imputed, if wrong, to others, for the sake of doing the monstrous injustice of not suffering the ministers whom his Majesty had appointed even to begin. With justice, indeed, might a line, quoted by the late secretary, be applied to these resolutions:—

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"Sed quo cecidit sub crimine, quisnam Delator? quibus indiciis? quo teste probavit? Nil horum. Verbosa et grandis epistola venit A Capreis."

He reminded lord North that he had upon a former occasion expressed his opinion of the present minister in that House, as one who was born a minister; it now appeared that he wished him to be a still-born minister. He proceeded to shew the injustice, both to the crown who appointed, to the House, to the people, and to the persons of the ministers as yet untried, to prejudge them in the manner proposed, which was founded on reasons which did not apply to the present case. The questions therefore being, Was a removal necessary to preserve the constitution? and, Are the present ministers capable and honest? He should answer affirmatively to both, without examining any anecdotes of lord Temple's actions, and should vote against the motion.

Mr. *Nicholls* said, that a learned gentleman had stated the resolution as an invasion of the King's prerogative. If it struck him in that light, he would not give it his support. He was a friend to prerogative; it was part of the great law of the constitution, vested in the crown, not for the private gratification of the sovereign, but as a trust to be exercised for the welfare of the people. But among all the powers and prerogatives of the crown, there was none more valuable than that of having the assistance of a great national council to advise the crown in the exertions of its prerogative, and to prevent the sovereign from being misled by artful and interested advisers. It was this advantage of a great national council which gave the monarchs of this country the superiority over the sovereigns of Europe. He said the learned gentleman had admitted the right of the House to advise the crown to remove ministers on a charge of misconduct; but would any man say, that he could not suppose it possible, that the crown might trust the great offices of the state to hands so perfectly unequal to the management of the public business, that it might be proper for the House of Commons to meet the mischief before it had run its full career, and to advise their sovereign to remove such incapable ministers, before any gross act of misconduct had been committed? The hon. gentleman had called for a precedent of such interference; he was not prepared to produce such a precedent; he would mention, however, an instance, where much mischief had followed from parliaments not having interfered to advise his Majesty to remove an incapable minister. The instance he alluded to was the appointment of the earl of Bute in place of that vigorous minister whom his Majesty found in office at his accession. In private virtues and private character, the earl of Bute was not inferior to the present Chancellor of the Exchequer; yet, who was there that would not admit, that it would have been a blessing to this country if the House of Commons of that day had addressed his Majesty to remove the noble earl from his administration before any misconduct could have been proved? It had been said, the present motion was calculated not only to procure the removal of one administration, but the appointment of another. Unquestionably it was. Who was there who did not wish for the most speedy appointment of a vigorous administration? The resolutions already passed, declared the want of confidence of the House in the present ministers. If those resolutions were not rescinded, the proposed resolution followed as a consequence. Was there any pretence for rescinding those resolutions? Upon what ground ought the House to have confidence in the present ministers? Was it because they had procured the removal of ministers in whom the House had confidence? Was it because in the present critical situation of public affairs they had created a total stagnation of public business, for the sake of gaining their employments? He thought the present ministers, destitute as they were of the confidence of the House of Commons, incapable of conducting the public business; the sooner they were removed the sooner would the country be relieved from its present dangerous situation.

Mr. *Fox* took occasion to declare, that he was ready to accommodate in every thing but principles; that he would suffer his India Bill to be new modelled entirely, reserving only, that it was made a permanent system, and that the seat of government was established at home, not in India.

Governor *Johnstone* desired him to abandon the principle of the Bill, and then they would suffer him to model all the accommodatory matters as he pleased.—This Mr. Fox would by no means consent to.

Mr. *Sheridan* very ably supported the

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motion, and reminded Mr. Powys of his having used this quotation from Shakespeare the day or two before lord North retired two years ago:—

——— the times have been
That, when the brains were out, the man would die,
And there an end;———

Mr. Sheridan said, the souls of the present ministry were departed, but their bodies, like empty forms, still kept their places; to them he might say,

——— the times have been
That, when the brains were out, the man would die,
And there an end; but now they rise again
With twenty mortal murders on their crowns,
And push us from our stools;———

threatening the House with fifty deaths or dissolutions.

General *Murray* declared he thought it fair to discuss the Bill before the fate of the ministry was decided.

Mr. *Pitt* could not suffer the debate to close without saying a few words; but as he saw the impatience of the House to separate, he would assure them that he would detain them only for a few moments. Let the fate of the motion be decided one way or the other, he said he could not but feel the utmost comfort and satisfaction at the full, fair, and impartial discussion the question had undergone, and more particularly in having been witness to a debate, in which, although, from the personal nature of it, he was debarred from taking any part himself, so many worthy and truly respectable gentlemen had risen to defend his character and rescue it from the odium which the violence of faction and the malice of party would have wished to have loaded it with. In the course of the discussion, a great variety of topics had been handled in a way that did honour to the ability of those who had spoken, and proved incontestably, that the art and ingenuity of that set of men whose chief aim it had been to mislead and confound, had not been successful to the degree that they might possibly have hoped; but that there were others, and those of acknowledged estimation and importance in the country, who were not more accurate in their judgments than zealous in their determination to tear the mask from the face of faction, and shew it in its native colours. This necessarily afforded him all the gratification that his most sanguine hopes could have aspired to. With regard to the question, the committee would dispose of that as they thought proper: it was a question from its personal tendency certainly of some importance to him, but of infinitely more to themselves. The character of the House, the confidence of the people in their representatives, depended in a great measure on the fate of the motion: before they decided a point of such magnitude, he desired to throw himself on the candour, the justice, and the honour of the House. He had produced a Bill for the better regulation of the East India Company's affairs, a Bill which he had given to the House as a pledge of his merits as a minister; a pledge by which he had consented to abide, and to rest all his pretensions to the confidence of the House on a fair comparison of that Bill and the Bill of the right hon. gentleman. His Bill was already before them, and it rested with them to name the day for its discussion. If they came to a decision upon the motion that night, and a majority agreed to it, the House would have condemned him unheard, and before any opportunity had been afforded them to form an opinion upon, whether he deserved to be condemned or not. It had been agreed on all hands, that a system of regulation, with regard to the future government of India, was indispensably necessary; one Bill upon that subject had been agitated already, and had passed that House, but had been lost in the Lords. The opinions of the public at large, he would venture to assert, were decidedly against that Bill. Would the House, then, while they had a Bill upon the same subject, but of a very different nature, in their possession, and which yet remained to be examined and discussed, proceed the length of the motion then under consideration? He flattered himself that they would not prejudge him, that they would not condemn him unheard, but that they would wait at least till that comparison and discussion that he most anxiously challenged had been gone through, and that the House in this material instance would act consistently with that candour, honour, and dignity, which so highly became them, and which he hoped ever would distinguish all their proceedings.

The committee divided: For the Resolution, 205; Against it, 184. Majority, 21. The House being resumed, the Resolution was reported, and agreed to.

Debate in the Commons on the Rumours of a Union of Parties.] Jan. 20. Mr.

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Rolle observed, that from a declaration which he made a few days ago, that he would on this day move for certain papers relative to Messrs. Powell and Bembridge, the House might naturally expect that he would proceed to make his motion now; however, he had resolved to decline it for the present, for two reasons; one was, that he did not like to introduce any question that might interfere with or impede the important business that was expected to be brought on this day in the committee on the state of the nation. The other reason was, that a rumour was then afloat, that a negociation was on foot, by which, it was to be hoped, an end would be put to the species of confusion which had of late distracted the government of this country.

Soon after Mr. Rolle had set down, Mr. Fox entered the House, and the order of the day for going into a committee on the state of the nation being loudly called for,

Mr. *Fox* rose. He said, that since he came into the House he had been informed, that an hon. member had given his reason for not moving for certain papers, that a rumour had been spread abroad of a negociation having been set on foot for the purpose of effecting a union between both sides of the House. The reason, in his opinion, was a very indecent one; and the more so, as there was no ground for any such rumour; at least he could say with certainty that no such negociation had reached his knowledge. His motive for rising on the present occasion was, to tell the House, that he intended to move for the discharge of the order of the day, and that another order be made for going into a committee on the state of the nation. He observed, that after the resolution which the House had agreed to on Saturday morning last, it was certainly to him a matter of astonishment, that the present men should still be found in their offices, seeing that that resolution declared in the most unequivocal terms, that they possessed not the confidence of that House. The nation now beheld what had not been since the Revolution, an administration holding their places in defiance of the House of Commons, and renewing as much as in them lay those distracted times before the Revolution, when, to the misfortune of the nation, the Houses of Commons were almost always at variance with the executive power; obliged to maintain their rights against the prerogative of the crown, which aimed at their annihilation. Would that the sea, which surrounded the island, could prevent the shame of this country from reaching the nations on the continent! would that the destruction of this government could be kept from the knowledge of the dependencies of this country, or rather that the constitution were secured, and that every thing were restored to peace and quiet at home, at a moment when there was so much occasion for vigorous measures in the cabinet! It might be for the committee to inquire into the cause, why an administration was found to stand in this country, in open defiance of the sense of the representatives of the people of England: however, he was willing to give his Majesty's ministers time to reflect and coolly to consider the situation in which they stood; they must know that remaining in office under such circumstances, must be productive of the most serious consequences, not perhaps to themselves, but to their country. It seemed at present to be a contest between privilege and prerogative, or rather between prerogative and the constitution. The question was, in fact, whether a secret and unconstitutional influence should so far prevail in this country, as to be able to maintain in office a set of men in whom the House of Commons had declared they could not repose confidence. These men should reflect that a more dangerous contest could not possibly be introduced; that such a contest never existed in this country, without proving injurious to the prerogative of the crown and the liberties of the people. They should reflect seriously upon this, and consider how unlike lovers of their country they must be, to render themselves instrumental in bringing on a contest, from which the most melancholy consequences might naturally be expected. In order, therefore, to give them time to enter into a serious consideration of the business, he was willing to adjourn the farther sitting of the committee on the state of the nation to Monday next; and he hoped that by that time they would be able to give such advice to his Majesty as should appear to them suited to the present situation of affairs. As to the idea of a union with those whom he was now opposing, all he would say was, that he was not an enemy to any individual; but gentlemen should consider how far it was practicable to effect it consistently with principles that appeared almost irreconcileable.

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Mr. *Rolle* said, he had not asserted that a negociation for a union was on foot, but that report said so, and he trusted there was good ground for such a report; as it was from a union of the abilities of both sides of the House that this country could alone expect to be saved.

Mr. *Drake* returned his sincere thanks to the right hon. gentleman for putting off the sitting of the committee to Monday next; he rejoiced at this cessation of hostilities, which he hailed as the forerunner of a general pacification. From the union of the right hon. gentleman with the right hon. gentleman now at the head of his Majesty's affairs, the most happy presages of glory and happiness to this country might be drawn. Before he sat down, he felt it his duty to return his sincere thanks also to the Chancellor of the Exchequer, for his noble and disinterested conduct, in giving away a place of great emolument, in such a manner as to prove a relief to the public, and establish his own character for purity and disinterestedness. His conduct on that occasion was great, was noble, was patriotic and unparalleled.

Mr. *Grosvenor* rejoiced in the happy prospect of returning harmony in government: he had, on a former day, seen the seeds of a disposition for a reconciliation on this side of the House (the ministers); and it gave him unspeakable satisfaction to find that there were seeds of a similar disposition on the other. A happy union of both was an event most devoutly to be wished; and he begged that the independent country gentlemen would rouse up another to recommend this union; a few short sentences from them would be more effectual than the longest and most ingenious and flowery speeches of others. It gave him particular satisfaction to find that this diposition to harmony had manifested itself, after he had, a few days ago, ventured to recommend a general coalition of all the great men of all parties; if what he had then thrown out should produce the desired effect, then might he sit down with heart-felt satisfaction, and say, with truth, that "he had done the state some service."

Lord *Frederick Campbell* expressed his satisfaction at seeing the happy omen of approaching concord. He was glad the right hon. gentleman had consented to put off the sitting of the committee for a week; but he would have been more pleased, if he had put it off to a still more distant day than Monday next; for as the House would naturally expect to go through the India Bill before the committee should sit again, they would find it impossible, as the Bill was not to be read a second time till Friday, if the committee was to sit on the succeeding Monday. He was not without hopes that every thing might still be accommodated to the satisfaction of all parties, in the present struggle for power. However, though he was desirous that the committee should not sit till a more distant day, he by no means desired that it should not sit any more. He had already voted for that commitee, and he would not consent that it should be finally closed, till the House should be satisfied that the constitution had nothing to fear from an abuse of the royal prerogative: if the contrary should be the case, then he would go with the right hon. gentleman, and support such measures as should be deemed necessary for the security of the constitution; but, for the present, he wished not to proceed with haste. The consequence might be, that this House might possibly be involved in a contest with the other, which every man would wish to prevent; and, indeed, he was apprehensive, from what he had heard the right hon. gentleman say soon after his Bill had been rejected by the Lords, that he would bring it in again precisely in the same form, or as nearly so as the forms of the House would admit. This, he confessed, had alarmed him; and though he had voted for that Bill, though he still entertained an opinion relative to it from which he would not recede, still he trembled when he heard the right hon. gentleman make that declaration, because he apprehended that persevering in the resolution to carry the Bill through, would create a quarrel between the two Houses. However, he had been relieved from his apprehensions on this head, by what that right hon. gentleman had said on Friday last, that he would not obstinately defend every part of his Bill; and that, provided the main points of making the commissioners irremovable for a given number of years, and making their control absolute over the servants of the Company in India, were given up to him, he would not be stubborn as to the other regulations.

Mr. *Fox* said, that he was in hopes the sitting of the committee would not be found to interfere in any respect with the consideration of the Bill, for he trusted that the House would throw it out on

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the second reading on the Friday. For his part, he would do all he could to consider the Bill on its own bottom, without adverting to any collateral circumstance that might have attended its introduction into that House; but it could hardly be expected that the House would follow his example in that respect; it was bordering upon an impossibility, that these circumstances should not be adverted to by gentlemen in the course of the debate; and therefore, if the Bill could not be discussed without any reference to them, it was not his fault, but the fault of those who had, by their misconduct, rendered such a proceeding unavoidable. The noble lord had called this a struggle for power; but he would beg leave to assure him, that if this expression meant a struggle for personal power in him and his noble friend, there was not the least foundation for it. The struggle was in fact between the right hon. gentleman over the way (Mr. Pitt) and the constitution; and if in such a struggle, he (Mr. Fox) and those who acted with him were to remain neuter, it might be truly said, that they had abandoned the constitution. As far as he himself seemed to be struggling for personal power, he disclaimed the imputation in the most solemn manner; and he would venture to go as far in disclaiming it in the name of his noble friend (lord North), whom he did not then see in the House; and it was but justice to say of that noble lord, that of all the charges brought against him while he was at the head of affairs, that of struggling for personal power was never so much as thought of; on the contrary, he had always declared, and his subsequent conduct proved the sincerity of his declarations, that he looked to the confidence of parliament for the support of his administration; and when a resolution was proposed to that House to declare the Commons would no longer confide in him, his noble friend, true to his invariable declarations, thought proper to retire, though he was not so deserted, but he was able to negative that resolution by a majority of nine on a division. Why, then, was the noble lord become disagreeable to the secret advisers of the crown? Not, surely, because he had carried on the American war, which was so agreeable to their wishes, but because he refused to carry it on after he found that the House had resolved it should be given up. His noble friend, like a man who rightly understood the constitution, knew that when the Commons and the executive power were at variance, no minister could or ought to stand; or, in other words, that no minister could stand, who had not the support and confidence of the House of Commons. With this principle rooted in his mind, his noble friend gave up the helm of the state, because he knew he ought not to hold it against the sense of the representatives of the people. Here was the great cause which rendered his noble friend so disagreeable to the secret advisers of the crown. It was not because his noble friend had not supported the influence of the crown, but because he refused to be the tool of these advisers in supporting that influence against the sense of the Commons of England. His noble friend submitted to the sense of that House, and refused to push that influence as far as perhaps he might have had means to do it, if he had paid less deference to the opinion of the House of Commons. But what his noble friend had nobly, and like a lover of this constitution, refused to do, his Majesty's present ministers had been brought in to execute; they came in, therefore, the avowed champions of the influence of prerogative, under the auspices of secret influence. They were brought in for the purpose of shewing how far the prerogative was able to support a minister, and enable him to look down upon the resolutions of the Commons of England. That House had formerly been accused of being too intimately connected with the crown; but that happy connexion, which had produced harmony, and raised this country, from the period of the Revolution down to this day, to an envied pitch of opulence and power, was now dissolved, and those fatal times antecedent to the Revolution were revived, in which the ministers of the crown were invariably at war with the Commons. The present, he said, was an æra in this constitution, and the man who could stand an idle spectator of the events of the last three weeks, could not be a friend to his country. To struggle, therefore, at present, was not to struggle for power but for liberty. He was sure that there was not a man in that House who would lay his hand upon his heart and say, and much less believe, that if the noble stand which had produced the various resolutions that had passed within these three weeks had not been made, there would have been at this day in this coun-

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try, any thing more of liberty than the shadow; the substance would have been borne down by the influence of the crown. The noble lord and several other respectable gentlemen had recommended union to both sides of the House. It was much easier to recommend than to effect it; and he begged gentlemen would not suffer themselves to be hurried away by too sanguine hopes, that such a union could be as easily effected as it could be wished for. For his part, he had no objection to a union; but in order that it might be of advantage to the public, it ought to be founded in principle; and how far this could be done in the present moment, he would leave it to the House to determine. Some men are brought into power by means which by others are declared to be absolutely unconstitutional; nay, absolutely subversive of the constitution. The parties accused defend these means; how, therefore, can these two parties ever agree in measures when they disagree in principles, with respect to the very foundation on which a ministry ought to stand? One set of men think that the opinion of the House of Commons ought not to guide the sovereign in the choice of ministers who may have the confidence of the people; while the other set of men think that no ministry can or ought to stand, but on the confidence and support of the House of Commons. The one party stand upon prerogative, the other upon responsibility and the constitution. How, therefore, could these parties coalesce? Union might live upon their tongues, but not in their hearts; and he begged that those gentlemen who so laudably endeavoured to bring about a union, would not suffer themselves to be hurried away with an idea, that it was easily to be produced. To all appearance, indeed, union might exist; but, in fact, disunion and distraction would alone be found in council, if the different parties, however they might differ on particular points, did not all stand upon one great and broad principle. He had already experienced this misfortune in one of the two governments in which he had borne a part, where every thing wore the appearance of union and harmony, when, in reality, nothing but discord and division prevailed in the cabinet. He had rather, therefore, if a union upon principle could not be expected, that no union at all should take place; he had rather differ in that House, where he could assign his reasons for his differing, and where the Houses could decide, than in a place where the parties differing were ultimately to decide; and the nature of which was, that a man could not relate the causes of the difference. A union, not founded upon principle, would be fallacious, and infinitely more dangerous to the country than the divisions which at that time prevailed within the walls of that House. Gentlemen wished the India Bill might be considered upon its own merits, and that concessions might be made on both sides; for his part, he was ready to do it; in his opinion, it carried in itself internal evidence of its inadequacy to the end for which it was proposed. The principal thing which seemed to recommend it to the House was, that it was founded on propositions made by the East India Company itself. But he would shew that there was not near so much in the boasted consent of the Company as gentlemen might be led to imagine, which he hoped to be able to prove to the House, when the Bill should come before them. As to concessions, he did not know how the right hon. gentleman over the way could make any, without falling into that very error or crime which had been made such a ground of attack upon his Bill, namely, the acting without the consent, or against the will of the parties concerned. For, as the Bill was built on certain specific propositions to which the Company were supposed to have given their consent, if any alteration was made in the Bill, which would make it differ from the principle of these resolutions, it could no longer be said to come recommended by the consent of the Company. For these different reasons he had very little hopes of seeing such a union effected as would prove a blessing to the country.

Mr. *Pitt* said, he wished to see the sitting of the committee deferred for some time, though he entertained not a desire to get rid of it: he was by no means adverse to the union so strongly recommended by the respectable and independent country gentlemen, from whom the recommendation had come; but, on the other hand, he agreed perfectly with the right hon. gentleman, that a union not founded on principle, and which would produce disunion where it would be more dangerous than in this House, would be a fallacious union, and such as no lover of his country ever could wish to see. The right hon. gentleman had said, that he, in com-

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mon with his Majesty's other ministers, held their places in defiance of the opinion of that House: in answer to this charge, he would say, that nothing but a sense of his duty to the public could keep him in office; and when in the committee on the state of the nation this business should come to be agitated, he would state the motives which kept him in office, and which, he trusted, would be found just and reasonable by the committee; for the present, he would only say, that he thought he could not, at this moment, go out of office with as much honour as had attended his coming into it. He had also been accused of standing for support on secret influence; but this was an assertion which he defied any man to establish by proof. As long as he should bear a part in his Majesty's councils, he would never suffer himself to be influenced by any secret influence, or secret advisers, if any such there were.

Mr. *Marsham* recommended union in the strongest terms, and expressed his satisfaction at finding that the two right hon. gentlemen were so well inclined to it; and at the same time he rejoiced that they both agreed in this point, that a union, which was not founded in principle, would be fallacious, and injurious to the interest of the public.

Lord *Maitland* arraigned Mr. Pitt, for daring to declare that he would explain his motives for coming into office, and that he hoped they would be found just and reasonable by the committee. The committee and the House had already pronounced judgment upon the question of his coming into office; and he was sorry that the right hon. gentleman's memory was so bad, that he should be under a necessity of moving that the resolution carried on Saturday morning last should be read.—The clerk read it accordingly.

Mr. *Pitt* said, the noble lord had misunderstood him; what he had said was this, that he would state his motives for staying in office after such a resolution had been carried, and not his reasons for coming into office.

Lord *Maitland* replied, that the resolution was retrospective as well as prospective; for while it told him that he ought not to remain in office, it as plainly said, that his conduct had been wrong from the beginning, and that he had accepted of place under circumstances which, constitutionally speaking, rendered him an improper person to be trusted with any place.

Sir *Thomas Egerton* rose to observe' that the right hon. gentleman who began the debate, had charged that side of the House with being enemies to the constitution. This, sir Thomas said, he deduced from the right hon. gentleman's assertion, that the question was between the constitution and the secret advisers of the crown; which declaration necessarily implied, that all who did not vote with that right hon. gentleman, were supporters of the secret advisers of the crown against the constitution. He rose to defend himself from that imputation. He trusted he had as zealous a regard for the constitution as the right hon. gentleman; he supported the present minister, because he thought he deserved support; he took that opportunity of returning him thanks for his conduct, and assuring him, that he should continue to support him as long as he should continue to merit support.

Mr. *Mansfield* took up that part of Mr. Pitt's speech, in which he denied his having any connexion with secret influence. He entered into a history of all the circumstances that had proved the exercise of secret influence, and asked what occasion had any one peer to become the message-carrier of the crown to the rest of the peerage, but for the purpose of deriving an undue advantage from such an exercise of undue influence? He said, the right hon. gentleman had just as much analogy to secret influence as the creature had to its Creator; that he came into office upon that influence, and upon that only; that no other cause was capable of being adduced as the ground of overthrow of an administration composed of men of as high integrity, as great ability, and as fully enjoying the confidence of the people and their representatives, as any administration that ever conducted the government of the country.

Mr. *Powys* said, a union of abilities had been called for; he rather wished for a union of principle. The one might produce discordant councils and weak measures, the other the reverse. When the day should come for the right hon. gentleman to state his reasons for continuing in office notwithstanding what had passed, he did not doubt but he would do so satisfactorily; and that day, he added, must come; he trusted it would then be made appear, that both the right hon. gentlemen were firm to one principle, viz. a detestation of secret influence, and a determination never to give way to it.

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Mr. *Fraser* said, he rose to urge a reason which pressed on his mind for wishing a broad-bottomed administration in the present crisis, uniting as much knowledge as possible of foreign and commercial affairs, as of eminent abilities and powers for the meridian of that House, and he begged to address it to all sides and to all parties, and it was this: that the property of this country being vested in three or fourscore great families, their connexions and friends, alternately one party made war, and another peace; but all parties laid taxes and burthens on the people; therefore, it was now requisite to unite their knowledge, wisdom, and abilities; for the House should be united for the public good, lest the people at large, in some fatal hour, as heretofore in Denmark, and lately in Sweden, should incline to choose one instead of many representatives.

Sir *Richard Hill* observed, that the right hon. gentleman who began the debate, had said a great deal about the late administration having been turned out by the secret influence of the crown. He desired to know what the administration preceding the last had been turned out for, but for having made a peace, which the right hon. gentleman had declared must be made at any rate, though he could not make it himself? Sir Richard said farther, that the right hon. gentleman had of late praised majorities very highly; this, he observed, had not been his practice formerly. The right hon. gentleman must either be right or wrong in his newly-adopted opinion of the virtue and merit of majorities? If he was wrong, why so much boasting of glorious majorities? If he was right, he would please to remember that majorities, by the single monosyllable Yes, had condemned his conduct for many years together. But that was not the only point in which the right hon. gentleman had changed his opinion. He must give him leave to remind him, that on the division upon sir John Rous's motion, three sessions since, he clapped his back to the lobby-door, and exclaimed, 'No Coalition!' yet he soon afterwards found that 'no Coalition, no Treasury-bench;' and he accommodated himself to the maxim which he found best suited his advancement. Sir Richard concluded his speech with the following story:—"There were two neighbouring farmers, who, for many years, had borne the most cordial enmity to each other. So great was their antipathy, that each declared they durst not trust themselves in a room with the other. At last, however, farmer Whighouse says to farmer Toryman, 'Farmer, what are you and I about? We are neither of us likely to thrive in the world by all this jangling and snarling. I have a proposal to make to you, by which we may both get money apace, and provide for our numerous and clamorous families. We have both of us a great deal of dirty work to do, and if you will lend me your horses to draw me through the mire, I will lend you mine, so let us e'en join our teams together.'—'Why, neighbour Whighouse, I like your proposal very well,' says farmer Toryman, 'but I fear our horses won't draw well together. I am apt to fear they will find the chains rather galling, and that they will kick, and wince, and start, and run restive.' 'Never fear that, Mr. Toryman,' says Mr. Whighouse, 'we must pat 'em and coax 'em, and feed 'em with good hay and corn, and give some of them fine trappings, and then never fear but we make them so tractable, that we may ride 'em ourselves with ease, though to be sure we are neither of us very light weights.' Now all former animosities were to be forgotten, and upon every occasion they called one another my good friend Mr. Whighouse, and my worthy neighbour Mr. Toryman. This, to be sure, made the neighbours laugh. But matters soon took a serious turn; for these two overgrown farmers began to encroach upon their neighbours, to break down their fences, and were proceeding to seize their very deeds and leases, when a worthy gentleman in the neighbourhood, finding how matters were going on, went and informed their worthy landlord of their proceedings, who dismissed them from their farms, in order to make room for better tenants." Sir Richard concluded by saying, that without doing violence to the moral of the story, he would say to Old England, 'De te fabula narratur.'

The motion for adjourning the committee on the state of the nation to Monday was put, and carried. A few words after this passed between lord Surrey and Mr. Pitt, relative to the disposal of the place of Chancellor of the duchy of Lancaster; the result of which was, that Mr. Pitt said, he would not dispose of it contrary to the wishes of parliament.

Debate on the Second Reading of Mr. Pitt's East India Bill.] Jan. 23. Mr. Pitt's East India Bill was read a second

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time. On the motion that the Bill be committed,

Mr. *Fox* rose with an intention to enter into the intrinsic merits of a Bill, on the fate of which depended so many and such various circumstances of magnitude and importance. He wished to consider them dispassionately, and with the deference and candour which they deserved. He hoped no person would suspect him of prejudice on a point of so much interest, and which so materially affected the political concerns of the nation, and the prosperity and happiness of so vast a portion of the human race. This was no object of trivial concern; no question of light discussion; no subject in the investigation of which the spirit of party should mingle.

The evils existing in the administration and government of India might be digested under distinct heads. From the reports of the secret and select committees it appeared, that the Company's servants abroad, by a secret influence, corrupted and abused to their purposes the proprietors and directors at home. It was no less evident that there was no energy, or at least no sufficient vigour in the administration of the Company's affairs in this country. And it was equally obvious, that there were no remedies for those evils of various descriptions, which were committed by the servants of the Company abroad. These, said he, are the grand and leading points of consideration in the digestion of a scheme of reform for India, and which it was my object to correct in the Bill which I formed on the subject, and which obtained the approbation and sanction of the House.

Let us now compare the Bill under consideration in its various tendencies to correct these evils, and in its different relations to these objects. The Bill under consideration, then, by continuing the influence and power of the proprietors and court of directors, by rendering the latter dependent on the former even for its existence, by avowedly leaving as much as possible the commerce of the Company to its own superintendence, has surely in it no tendency to eradicate these evils, or to emancipate the Company from that slavish dependence on its servants abroad, which has deprived it of energy and decision, and rendered it the prostituted object of foreign cabal. It was the intention of my Bill to remedy these encroachments, of so threatening and destructive a nature, by excluding the proprietors, as far as was consistent with necessity, from a participation in a government, in the conduct of which they had exhibited such a prostitution of sentiment, and so strange an accommodation of measures, to the corrupt influence and secret intrigues of their servants abroad. This, however, is by no means the intention of the Bill under discussion. According to it, matters are still allowed to move on in their former track. Directors must still look to their constituents, and proprietors may still be decided, not by motives of public utility, not by the sentiments of cool deliberation, but by the secret influence of persons who perhaps gave them existence.

Did not daily observation and experience illustrate the connexion between representative and constituent bodies? No where is this dependence more eminently exemplified than in this House. Here all of us look to our electors. Here all of us wish to accommodate ourselves to their inclinations, so far as is consistent with our principles; and in the event of dissolution, each of us is anxious to conciliate the approbation, friendship, and good offices of our constituents, that we may not be dismissed. This dependence exhibits, in the strongest light, the extreme danger of continuing the commercial concerns of the Company in the hands of persons raised to office, and placed under the absolute control of men who have uniformly been under the influence and direction of their servants abroad. Do not recent facts illustrate this truth, and evidently demonstrate that directors are chosen, not in virtue of their merits, but agreeably to the prepossessions and prejudices of the proprietors? I do not mean to expatiate on the circumstances of a late election, or to develope the various causes which have raised an hon. gentleman behind me, (commodore Johnstone) and others, to the office they now hold in the court of directors. It is sufficient for me to observe, that in determining the judgment of the populace in such cases, merit is not always the criterion of decision; but that in proportion as a servant has acted wrong, in proportion as he had forfeited the favour of the Company, he has in the same proportion recommended himself to their patronage and regard. Here, then, is a defect of system, a corruption in government, a protection of delinquency, which loudly calls for remedy. On the present scheme, however, are not these evils rather heightened than destroyed?

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Another objection to the Bill, in my opinion, is, that it ensures no effective mode of obedience. It enacts an appointment of officers by one body, and vests their recal in another. How could such a system be rendered either executive or effectual? According to every idea of jurisprudence I have formed, the executive authority in every well-regulated government ought to be placed in a small body. This was the constant theme of those who declaimed on the advantages of monarchical government, and their reasonings ought certainly to be admitted in as far as they were agreeable to the maxims of freedom. Here are, however, two distinct bodies; a court of directors and superintendents, constituted on different principles, who may be actuated by various motives, who may occasionally be influenced by opposite interests; and yet into the hands of these two bodies is to be committed the executive power of administering the affairs of the India Company. The one is to have the authority to appoint; it is the privilege of the other to recall. In so divided a government, where can there exist either energy or execution? Founded in principles so heterogeneous, must it not be the constant victim of internal distraction?

But supposing there should be a cordial agreement established between these two executive bodies, though there should even exist a danger of such a union amongst them, how dreadful must their combination be to this country! By whom is the board of superintendence to be appointed? Is it not by his Majesty? Is it not to be under his control? In how dreadful a point of view, then, must the very supposition of an agreement between this board and the court of directors strike every one who attends to it! Must not the existence of such a union extend the influence of the prerogative, by adding to it the patronage of the Company? Is it not giving power to the sovereign for the ends of influence, and for the extension of that system of corruption which had been so justly reprobated? How can those, then, who affect to be the enemies of undue influence, the candidates for popular distinction, and the affected friends of freedom, pretend to support a Bill so dangerous in its tendencies, and so hostile to the liberties of the country? In whatever point of view, then, I consider the nature of this regulation, I must pronounce it to be unwise and unsafe; for no truths are more obvious than these, that when the courts of superintendents and directors are at variance, anarchy will be the effect; when, on the other hand, they are agreed, measures will be adopted tending to increase the influence of the crown, and destructive of the liberties of the subject.

To prevent these evils, and to guard against such fluctuation of system, it was proposed in the Bill which received the sanction of this House, that a consistent and permanent government of India affairs should be established in London. On this plan, officers were not to be appointed one day, and recalled another. The administration of India was not to be subjected to change, and become a shuttlecock of government, similar to that which exists in this country. For what has been the fate of this distracted kingdom for some years past? Look at the revolutions which have taken place within this period. Consider how ministry has fluctuated through various successions, occasioned by different causes, whether of national disaster or of secret influence. Look how many changes there have been brought about in the administration of Ireland, and in the men appointed in the conduct of it. Would not a system, then, constituted on similar principles, be productive of similar effects? Would not the appointments of men vary in India according to the revolutions of politics in this country, and every circumstance, on this principle of the Bill, be rendered unstable and ineffectual? No person setting out to India for the most benevolent purposes, could either accomplish his wishes, or secure his permanency under so precarious a regulation.

But this Bill is by no means calculated to restrain any of those abuses which have existed so long, and have been so loudly complained of. This is another of its cardinal defects. In so divided a scheme of government, where the management of affairs is vested in the same hands as those to whom it was formerly committed, how can such an object be accomplished? In whom did the responsibility of nomination rest? No where. His Majesty had the power of appointing *toties quoties*, without responsibility. In so strange a system, how could those abuses be rectified, which it was the object of every bill on this subject to remedy?

The Bill which I introduced to parliament, placed the responsibility of appointment and of measures in India affairs in

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this House. There it was safe. But where does this Bill rest it? In his Majesty's prerogative, without the circumstances of responsibility. Does not such a measure give even a legal extent, without control, to the influence of the crown? On the principle of the Bill which received your sanction, every thing was to be canvassed with freedom in this House; all was responsibility, openness, and fairness: but on the present scheme, every thing is dark design and secret influence. Is it not its intention to steal the patronage of the Company to the crown?

There is another defect which must strike every one who attends to the nature and regulations of this Bill. Here it is expressly declared, that the civil governor shall be appointed by the Company, and the commander in chief by the crown. Could any regulation be more effectually calculated to establish an *imperium in imperio*, or to produce division and discontent? Is it not the principle of every well-regulated society, that the military government shall be under the direction of the civil? But how can so wise a regulation have its effect on the supposition that the civil governor is created by one party, and the commander in chief by another? Such a regulation was almost too weak and obvious to be exposed.

To the Bill which I proposed to the House it was objected, that it had a tendency to give existence to a patronage, and to erect a fourth estate, subversive of the liberties of this country; but let it be remembered to whose hands this patronage was to be committed, and by whom it was to be exercised—it was parliament—it was this House. The present Bill rests it in hands appointed by the crown, without responsibility, recallable by the crown under the same circumstances, and to be exercised by the crown for the corruption of this House. The Chancellor of the Exchequer has accused me of being possessed of a towering ambition; I think his a submissive one, as it seems to lead him to erect a system of mean compliance and secret subordination.

Whether, therefore, I view the present Bill with respect to its intrinsic merits, or in comparison with the other, which was the Bill of this House, I can neither approve of its principle nor its expediency. It was the object of that Bill not to erect a government at Calcutta, but in London; not to give existence to a precarious, changeable mode of administration, but to establish one stable and permanent; not to give an improper extension to the prerogative of majesty; not to enchant this House into an idea of its merits by the charm of the royal name, but to subject its various regulations to the inspection of parliament; not screen culprits from judicial infliction, but bring them to merited punishment: such were the principles, the circumstances, and the objects of that Bill which obtained the approbation of this House.

But though this Bill has been rejected, other expedients, perhaps less exceptionable, may surely be devised. An alloy of jealousy respecting it, it has been alleged, influenced the sentiments of the public. I approve of jealousy in every point of political concern, and in all points of new regulation, which may affect the freedom and happiness of the nation. But though jealousies have existed, surely proper restraints may be imposed on those circumstances which seemed more especially to awaken the suspicion of the public.

Much has been said of the nomination of persons which had taken place in the former Bill. Their character and abilities had been canvassed with much freedom. I am, however, happy to say, that they were all of them persons of wisdom and integrity equal to the important trust reposed in them. The noble earl (Fitzwilliam) on whom the first charge was to devolve, is a person whose knowledge, whose abilities, and whose industry, render him every way capable for so interesting a charge. There is no person, I am sure, who has the honour of his acquaintance, and who knows his merits, but who will admit the truth of the assertion. The character of another gentleman (sir Henry Fletcher) who was to have been connected with the noble earl in office, has been reflected on in another House. Aspersion, however, if unsupported by evidence, is the worst species of invective. Inquiry, I know, has been made into the foundation of these reflections, and they have been discovered to be groundless. In this situation, then, it surely becomes the noble lord who threw them out, to disavow them as openly as he uttered them. I am convinced there was no person among the seven who had been appointed by that House, whose character and abilities were objectionable, and with respect to which he was not prepared to meet inquiry.

For these reasons I am fully decided

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against the principles and political regulations of the present Bill. It tends to no reformation at home, to no correction of abuse abroad. It tends to remedy none of those evils which have existed for so long a period, nor to put an end to those barbarities which have stigmatized and rendered infamous the character of Britain in the annals of India. If adopted, the Company may send out their orders to their servants; they may replenish their letters with morals and ethics, but they will be listened to with indifference and disrespect. If adopted, I do not hesitate to say that India is gone, is irrecoverably lost for ever. Gone, I am sorry to say, because I am aware, that notwithstanding the magnitude of this truth, notwithstanding its alarming circumstances, there are still some in this House who will give it their concurrence and assent.

Mr. *Powys* was extremely sorry that such high language had been used in the debate, or indeed any expression or allusion which might in the smallest degree operate as an impediment to a general and substantial union of all parties. He acknowledged at the same time, that the present Bill was no great object of his admiration. Objections he certainly had to both measures which had been proposed; and these he made no scruple on any occasion of avowing. He lamented the blindness or shallowness of his understanding; but he did not discover any very extraordinary impropriety in the present measure. Defects there certainly were in the Bill, but not such as seemed to him incorrigible. He begged of gentlemen that they would not bend all their talents in search of points of mere excellence, and then appear hurt at every chimerical disappointment. This would be to argue a matter fastidiously, which certainly on many accounts was well entitled to their investigation. It conferred, in his opinion, no dangerous or unconstitutional influence any where. The crown had no other concern in the matter than properly belonged to it. He protested that, did he apprehend any thing of this sort to be accumulated or grasped by prerogative, he would give the Bill his hearty negative. He might be wrong, but he could not help acknowledging that the Bill which had preceded the present, filled him with the most unconquerable jealousies. The right hon. gentleman had said every thing in its favour which ingenuity, which eloquence, which genius could suggest. Still the creation of a new and unprecedented power was, in his apprehension, established by that measure. This it was which staggered him, and to which he could not, while he retained his conviction, implicitly subscribe. An object, however, still dearer to him than even the commitment of this Bill, pressed strongly on his mind. Why could not gentlemen of superior talents and influence in the House and country, forego their differences of opinion, and cordially unite for the salvation of the empire? This was with him the only point worthy of attention. The hazard which pended by the animosities of party was immense. Every principle of public spirit demanded the sacrifice of little private and personal animosities; and he trusted, whether this Bill passed into the committee or was rejected, its fate, whatever that might be, would one way or other terminate the animosities which but too evidently subsisted on both sides of the House.

Mr. *Frederick Montagu* trusted the House would do him the justice to acknowledge, that of late at least he had not been in the habit of intruding much on their patience. His name having been inserted in the Bill which had been brought in by his right hon. friend (Mr. Fox), precluded him the freedom which he undoubtedly should have taken of otherwise speaking his mind on the measure. He lamented the question had so unfortunately been made a personal one. He was well satisfied of the honour, the integrity, the worth of the several eminent and respectable members of the community, who had been nominated at the same time with him. He knew that the character of one was valuable to the whole, and that there was not an individual among them who would have acted with any one, on whose reputation the least shadow of an objection rested. He therefore reprobated all general and indiscriminate insinuations, as intended only to give a colouring to the measure, by endeavouring to fix a stigma on the appointment: but that unworthy aspersion, he trusted, nobody credited; he hoped it sufficiently refuted itself, and discovered the reason of adopting it. He was aware what an immense patronage the system of Indian management exhibited to those who should act in that high capacity. He could answer for all with whom he had been named, that this vast and boundless power was the strongest objection with all

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of them in undertaking the business. And he would take that opportunity of requesting the right hon. gentleman, in the event of bringing forward any other measure, to guard this circumstance as much as possible, and render the temptation of abusing so important a trust as insignificant as he could. It had been conceived as the intention of the commissioners formerly appointed, that they were to make a total alteration or revolution in the whole interior system of the Company's operations, both at home and abroad; but this he could assure the House was perfectly the reverse. It was not by any means the design of the new directors to interfere but as little as they could with the appointments of their predecessors. He adverted to the question before the House, and chiefly condemned it, as appointing a government which did not strike him as responsible. He was decidedly of opinion, that to have that great, necessary, and constitutional quality, it must be at home, where the errors to which it might be liable were capable of being immediately detected and remedied. This, with various other strictures which he made on different parts of the Bill, determined him to vote against its commitment.

Sir *William Dolben* said, he only rose to regret with an hon. gentleman, that any asperities had passed either on one side of the House or the other, as he had nothing so much at heart as the union of those splendid abilities so eminently possessed by ministry and opposition. He therefore implored the two right hon. gentlemen whose measures were opposed to each other, to observe as much temper and moderation as they possibly could; for every harsh expression that had the remotest tendency to widen the breach, was a material injury to the country. This he presumed neither of the right hon. gentlemen could mean; but it was nevertheless an effect unavoidable from such irritable language as might accidentally occur in the heat of debate; and all he meant was, to caution the House against any thing of that kind. He hoped the Bill would go into a committee, because it contained a great many excellencies, though he did not imagine its strongest abettors would hold it up as faultless. This, however, he begged might not be understood as if he preferred it to that which preceded it—a measure of which he sincerely approved; though he did own several things in it struck him as capable of being altered for the better: an advantage which the subject derived in a great degree from the thorough discussion it had undergone. He did not doubt but the right hon. author of it would avail himself of the lights which had been thrown upon the Bill, in order, should it be brought once more forward, to render it still more unexceptionable.

Mr. *Erskine* said, that an hon. gentleman (Mr. Powys) had convinced him, not by what he said, but by what he did not say, that the present measure was altogether indefensible. For that hon. gentleman's sagacity and penetration he had so much respect, as to believe in his conscience that, had the ground on which he unfortunately took his stand been tenable, no man in that House was better qualified to have stood and defied every attack. But after he had come forward in its favour, without producing one single argument, what were gentlemen left to think of the measure, but that it was a weak, an unreasonable, and an incompetent one.

The influence of the crown had been from first to last essentially warped with every stage of the business. This, however, had been flatly denied, and in such terms by the hon. gentleman, that, but for a qualification of his sentiments, which he wisely subjoined, he should have been apt to have yielded to his opinion. He declared he did not see this effect as following from the present measure, otherwise he would not wish it committed. Mr. Erskine concluded with this declaration, that the hon. gentleman might be gained over, he trusted, to his sentiments, as from his well-known candour he did not even, with his inferior abilities, despair of satisfying him that the Bill of that night was certainly attended with this capital and insurmountable defect, that it armed the crown with additional power, without stipulating any responsibility whatever.

It had been said that the nomination was not in the crown, and that the recall was not attended with any influence. He could not help begging the House's attention to this circumstance. He insisted that the recall was considerably more operative than the nomination. For what did it signify who nominated, while there was the power of recall in the crown? What principle could destroy the effect of this? Might not the minister for the time being find a number of excuses for disappointing

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the wishes of the directors, and counteracting their orders? Did we not see this capricious power exerted every day in every subordinate department of state? And why would not the same motives prevail here? The same objects existed, and would operate on the human mind in every given circumstance, nearly in the same manner.

He had attended with much anxiety to see what arguments would be brought forward in order to contrast this with the Bill of his right hon. friend. It certainly could bear no comparison in point of influence. He could remember well, though he would not answer for the words, that the right hon. gentleman (Mr. Pitt), the moment the former Bill was introduced into the House, objected to it with much warmth, but singly on the score of its increasing this influence of the crown. No other objection was then urged. But how did this one apply? Whatever gave influence to the minister, was to be considered as strengthening that of his master. But this ground could not long be sustained. His learned friend on his left hand whispered him in the ear, that he had always been the friend of prerogative. He was therefore bound to oppose the measure on another ground. He consequently agreed to attack it, not as augmenting the power of the crown, but as taking from it, and establishing a power for the minister independent of it. Thus a compact was formed, by which the same principle should be supported by the most contradictory argument.

Such a colloquy, he supposed, might have taken place. The effects were at least the same, whether it did or not. But this shewed how men would act who were determined to scout measures right or wrong, and, guided by ideas partial and unfounded, united only on ground hostile to others. He was satisfied that the present Bill was, to all intents and purposes, less their measure than the one to which it succeeded; and that if they would lay their hands on their hearts, they must be satisfied that no other measure could be devised which so happily united the two extremes of a permanent and responsible government of our Asiatic affairs. It was pretended that this was not the Bill of the House, but his right hon. friend's. What! Had not the House adopted and made it completely and substantially their own? The measure only originated with its right hon. author, but parliament had embraced it, and stamped it with their sanction. He would not, therefore, permit even his right hon. friend to enjoy an honour which more properly belonged to the House. He would therefore bar his claim to the exclusive merit of that glorious measure, and boldly put in for a share, at least so far as the voice of such an insignificant individual as he confessed himself to be, might arrogate any share in the decisions of that House. He consequently hoped no man, after that, would stand up and tear this darling measure from its legitimate parent. He, for one, should always give it to its proper owner.

It was not his intention to go over the several objectionable particulars which the principle of the present Bill presented to his imagination, otherwise it would have been no difficut task to exhibit such a monstrous production as he trusted never did disgrace, and never would, the statute books of this realm. Did it not leave all the defects of that enormous system of corruption which traduced so foully the British character in India, as strong, as prevalent, and as effective as ever? In what did it correct the powers of the directors, proprietors, or servants? In nothing. In his mind it rather strengthened and augmented every worthless and nefarious principle under which they had hitherto acted.

How did this Bill dispose of that immense and growing patronage which the affairs of India vested in its government? Did it confer these or any part of them on parliament, or those nominated by parliament? No; the whole of them rested with that most efficacious control, which, by a most extraordinary device, was lodged in the servants of the crown. And as it was intended to operate, would it not have a most unhappy and alarming influence on the Commons, the nobility, the great and the small of every denomination in this country? It opened a door of expectation and dependence to all ranks, and would undoubtedly tend to draw their attentions and assiduities most where those had the greatest chance of being gratified. Nor did it much alter the case, that the Company's servants had still so much in their power. The more favours they could bestow, the more safe would they always find their situation. This was the bane and radical defect in the old system, that this advantage the Company's servants had always possessed and always turned against the Company in their own

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favour. For the moment any umbrage had been entertained concerning them by their nominal masters in Leadenhall-street, cabals were instantly formed by their friends, abettors, and agents on the spot; and instead of recal and punishment, new appointments and votes of thanks were often proposed and carried. This was the great and constant evil which the legislature of the empire had so often attempted to remedy in vain. And how was it proceeded against in the Bill now under discussion? In his opinion, new occasion was given for the same improprieties and mismanagement which had been so often and so imperfectly reprobated. Would not human nature, under similar circumstances, always produce the same effects? Would not those who acted in great and eminent situations, without responsibility, continue to act as they liked? By what authority could their depredations or oppressions be restrained, over whom there was in fact no efficient control? What, would they mind the power of recal being placed in the crown, while they possessed so much power of conciliating the favour and patronage of ministers?

Indeed, it was impossible, after every view he could take of the subject, to conceive a more plausible and effectual device than this whole system appeared to be, of deluging this country with profligacy and venality of every kind. He therefore deprecated its effects. He exclaimed with great earnestness and sincerity against the evils it disclosed. It was big with every calamity which could happen to a nation. Long had some radical, permanent, and operative system been deferred for that unhappy corner of the world. Such a system had been produced, but surely this was not that system. That so frequently attributed to his right hon. friend had every attribute of one which promised the desired success. And what was this in comparison, but a mere piece of patchwork, which could only disgrace the contriver: but he hoped it would never go abroad under the sanction of that House. It proposed a government without a responsibility; it placed a control in the executive power; it assigned to the servants of the Company the whole of those original powers which they had hitherto so much and fatally abused; it placed in the crown an alarming addition to its present powers, and it went only to a proscription of such a measure as was adequate to the case in question—a measure which promised permanency, because it depended not on any capricious exertion of prerogative; which promised responsibility, because the members of the board proposed were at home, and constantly under the eye of that tribunal to which they were responsible; and which promised dignity, effect, and every thing truly honourable and respectable, because it consisted of a selection of men high in public estimation for every great, virtuous, and valuable distinction—men who were ready by their character, their connexions and their fortunes, to answer for every particular of their public and official conduct—men who offered to transact this important and intricate business, under circumstances which afforded the most complete and satisfactory pledge which could in any case be expected. This was the government to which the other Bill had directed the expectations of the public, which had obtained the consent of every unbiassed and impartial spectator of the dispute, and which, under some other shape, he was still in hopes to see preferred by the legislative capacity of the country.

Much as had been said about the new power, or fourth estate established by that Bill, nothing of that dangerous and alarming tendency had ever struck him: it gave no other power than what already operated in another channel; it was only changing the instruments of the same cause which had always existed; and whoever boggled at it on that account, either did not understand its spirit, or were, from other less honourable motives, prepossessed against it. His approbation, however, it had obtained; and he was happy in the suffrage which he had given to a measure, which, in his conscience, he thought a right one.

Mr. *Powys* said, that whenever the learned gentleman could convince him, and he believed he could go a great length to persuade some in that House, that the half was equal to the whole, he might probably satisfy him, that the influence derived by this Bill to the crown, was more dangerous than that independent executive power established by the Bill to which it had succeeded. He thanked the learned gentleman for his compliments; but he was not therefore to make a surrender of the little understanding he had, because the learned gentleman had been pleased to think so well of him. He would rather endeavour to deserve his

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good opinion, by judging for himself, than deserve his contempt by affecting to believe that of which he still remained to be convinced.

Mr. Chancellor *Pitt* spoke to the following effect:—Sir, notwithstanding the vast variety of auxiliary matter with which the right hon. gentleman over the way (Mr. Fox) has thought proper, according to his ordinary manner, to aid and to embellish his speech; notwithstanding also his learned friend (Mr. Erskine) in a speech equally diffuse, has followed his right hon. leader through a most faithful repetition of the same arguments; yet I cannot help thinking that I meet the question fairly, when I say that all the objections made to the present East India Bill, reduce themselves to these two. In the first place, it is said to want vigour and effect. In the second place, to want permanency.

Now, Sir, with regard to the first of these objections, that it is a plan of patronage, and not a plan of vigour, effect, and of power; that it gives to the crown a new and enormous extent of influence, while it furnishes no new means of control; to this I must reply: Is it possible that gentlemen who argue thus can have read the Bill? Sir, I defy any man to contradict me when I say, that while there is every possible guard against patronage, the crown's vigorous, effectual, and authoritative command over the politics of Indostan, is clearly the main object of every line of the Bill. It was the acknowledged fault of the Regulating Act of 1773, that it left only a dormant power among his Majesty's ministers to negative and regulate political orders sent out to India. This power, I allow, was not usefully, nay, not at all, exercised; responsibility lay not then with the crown: but, Sir, does it follow that when an express board is appointed, and devoted to the object of East India politics, charged with the whole responsibility, furnished with every means of information, as well as every power that can possibly be necessary to the dominion of the East—does it follow, I say, Sir, that by means of such a board, there will be no active, no efficient control? How does the right honourable gentleman torture the imagination, and strive to mislead the common sense of the House, in order to persuade them into this absurdity: he introduces a most curious dialogue between the government board and the directors; the directors appoint a servant, whom (according to his train of argument) the board object to, and say, "No, you shall not appoint this man your servant, for if you do, we will punish you, by insisting on such and such a measure." "Whom shall we appoint then?" say the directors. "Why, we choose you should appoint such a one," says the board, "and then you shall order what political measures you please." The right hon. gentleman, therefore, in order to prove that the new board will have the patronage, while the directors will keep the control, argues exactly thus: The board, he says, will barter their control for patronage; *ergo*, the board will have all the patronage, and none of the control. But, Sir, will the directors agree to such a bargain? Will they give up all their right of naming their own servants for the pleasure of dictating political measures? Is it possible to conceive such a perversion of common sense? I say, therefore, away with such arguments as these. If any hon. gentleman can fairly devise the means whereby the patronage of the crown can be still farther restrained, and its authority in India at the same time supported, I am not only willing, but I am extremely eager to listen to any such propositions; but the committee, I conceive, will be the place for observations of this sort. What I contend, and insist at present, is only this, that to give the crown the power of guiding the politics of India with as little means of corrupt influence as possible, is the true plan for India, and is the true spirit of this Bill.

Next, Sir, with respect to the permanency of this system. And here I am forced to confess, that I, for my part, can never expect any duration, any consistency, any degree of permanency in the government either of India or any other of our dependencies, without a strong and permanent government is established in this distracted country. The right hon. gentleman has boasted that his system is able to maintain itself unshaken amidst all the changes of administration here: perhaps I may deny to the right hon. gentleman's plan even this quality: and here I beg the House to recollect an argument which the learned gentleman pressed most forcibly the other day; for when it was justly objected to that Bill, that the seven commissioners would support the right hon. gentleman's party whether in or out of power, "Oh" (said the learned gentleman, "we all know that any new minister would be able, by carrying an address

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through either House of parliament, to displace any of these commissioners; and they must depend, therefore, on the good graces of those who have the majority of parliament," that is to say, on the minister for the time being; and, in short, Sir, it was the common answer to this very serious objection on our part, that the India commissioners would naturally and necessarily have a good understanding with the minister for the time being. Why, Sir, if they will turn round with every new minister, how is the system said to be thus permanent amidst all the changes of administration? And yet I, forsooth, am the man accused of aiming at inconsistent advantages! Sir, I do wish the persons who shall rule India to maintain always a good understanding with administration. The right hon. gentleman compares the duty of the board appointed by this Bill, to the duty of a new secretary of state, and laments that such a new office should be created: I accept of his comparison, and I say that the power of government over India ought to be in the nature of that of a secretary of state. The seven commissioners were secretaries of state set over all India, but independent of, and unconnected with the government of this country; and is not this a new and unheard-of power, in this or in any constitution?

Earl Fitzwilliam, Sir, by that Bill, had power to involve this country in war with France or with Holland, not only without the direction, but without the privity of the government of this country. Sir, he and his board were to manage all the politics of Indostan, implicated as they are with the politics of European powers, without the least knowledge of the politics subsisting in the King's cabinet, without the least co-operation, without the least kind of official communication with any one of his Majesty's servants. What an *imperium in imperio* was this! The East India Company is said to be already an *imperium in imperio*; but, Sir, they at least hold some communication, they render up some information, they act in some concert with the government of this country; for the very ground on which government's right of interference has been built is this: that inasmuch as European politics were become involved in the politics of India, it was necessary that one executive power should have the superintendence over the whole empire. When the right hon gentleman therefore calls his system permanent, because his commissioners were thus separated and insulated from the crown, I should lament such permanency, if it were possible; but I deny the possibility; for all our dependencies cannot continue to exist, unless in our Asiatic and European politics there be some unity of action. His permanency therefore was only this: it was a permanency of men, not a permanency of men and measures. The present Bill, indeed, gives to no set of men a permanent, indefeasible power, but it establishes a permanency of system; it gives to the crown of these realms the sway over its Indian, much in the same manner as over its other dependencies, and insures to it a permanent, regular, systematic, and supreme control over all the political affairs of that vast country.

I must say a few words, Mr. Speaker, with regard to the influence which this Bill adds to the crown: for the right hon. gentleman has insisted, with no little acrimony, that the whole drift and spirit of this Bill is to give an unbounded patronage to the crown; that I am become the champion of influence, and no wonder I am so earnest in this Bill. The learned gentleman has even asserted, with a perfect air of confidence, that this Bill takes more patronage from the Company than the former Bill itself: the former indisputably took the whole; the present as indisputably takes but a part; the learned gentleman has therefore asserted that a part is greater than the whole—an assertion, which I am sure, to his mind, it were in vain to attempt disproving, and presumptuous in me to contradict. But, Sir, let me state it fairly and candidly, and see what is the influence gained to government. It has been repeatedly said that a great deal of patronage has been all along derived to government from the Company: what is the case by this Bill? In the first place, all influence in England is left to the Company; an influence infinitely more dangerous to this constitution, and more liable to abuse, than that which is exercised abroad. The nomination of all the numberless clerks, labourers and servants here, is left entirely to the Company: all contracts (than which nothing can be more adapted to the purposes of corruption) are left to the Company; the preference of what ships, captains, shop-keepers, buyers and sellers, they please, is, in my opinion, most properly left to the option of the Company; the nomination of all writers remains also to

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the Company, as well as the nomination of the far greater part of the servants abroad. The crown, in short, appoints none but the supreme servants abroad, whose authority must be transcendent, and who must, for the sake of unity, be cordial with government. These superior servants, it is true, have a great command of influence in India; that influence, however, is materially broken, by being exercised only through their instrumentality; and it must be further remembered, that these very servants will have been named in the first instance by the Company, and are chosen to these high offices only after a regular and necessary gradation. If less influence than this will suffice, let it be still further reduced in the committee: I hope, however, it is indisputably clear that influence is not the object of this Bill. I avow, indeed, that whatever is given, should, in my opinion, go fairly to the crown, and not be delegated to any set of men, who may pervert it to their own purposes.

One word more, Sir, with respect to the Bill of the right hon. gentleman over the way:—he affects to tell you, with all the simplicity in the world, that his Bill created no new power, gave no new influence, erected no new estate in the constitution of this country; for that it was a mere transfer of power from one body of men to another. Sir, I have already proved it was not a mere transfer of power; for the former directors were in some degree at least connected, and in some measure co-operated with government: the new commissioners were not to be connected, were not to co-operate with government. But, Sir, this is not all. It was a transfer of power from a body of men, unconnected with each other, numerous, and fluctuating, by whom the boundless patronage of India was divided into a thousand little wandering streams: it was a transfer from that large unconnected body, into the hands of a small junto, politically connected, established in a manner independent of the crown, by whom India was to be converted into one vast political engine, an engine that might be brought to bear against the independence of this House. Is the right hon. gentleman so dim-sighted, so unsuspecting, on a subject thus deeply affecting the freedom of parliament and this whole constitution, as not to perceive the political bearing which must be given to this vast machine? Let the characters of his seven commissioners be what they may, even in that view, I say they are one political band: the collected patronage of all India, at home and abroad, was to be knit together in their hands, to be levelled, as the party chose, either against the prerogatives of the crown, or against the independence of parliament. Compared to these things, the very loss of India, Sir, nay, the loss of India were a sacrifice easy to be borne: but the loss of liberty to this country, the sacrifice of the independence of parliament, and the ruin of this constitution; this is a calamity, this is a kind of ruin, to which I will never yield without a struggle.

The total overthrow of the chartered rights of the East India Company, was another most important objection, Sir, from which the present Bill is indisputably free, since, in spite of all the cavil of the right hon. gentleman, it does come forward fortified and recommended by the consent of the Company.

These are the grounds on which I maintain this Bill. I offer it not to the House as a perfect plan. Let the right hon. gentleman himself propose any amendments in the committee. If its principle be right, if it be practicable, as a plan of reform for India, and above all, if it be safe as to the constitution of this country, the House, I trust, will so far recognise it, as to suffer it to pass into a committee.

Mr. *Fox* made a very short reply, by saying, that his Bill tended to give much less influence to the crown than that of the right hon. gentleman.

Lord *North* stated the difference between the two Bills, and pointed out the necessity there was for the government to be placed at home, as by Mr. Fox's Bill, and not to be suffered to remain in India; for by that means, if those to whose care it was entrusted were guilty of any misconduct, they might be removed in two days; but if a governor abroad was guilty, it would be two years before his recal would take place.

Mr. Pitt's East India Bill rejected by the Commons.] The House, at half past eleven, divided on the question, That the Bill be committed:

	Tellers.	
Yeas	Mr. Steele Mr. Robert Smith	214
Noes	Lord Maitland Mr. Byng	222

The Bill was consequently thrown out.

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Copy of Mr. Pitt's East India Bill.] The following is a Copy of Mr. Pitt's East India Bill:—

A Bill for the better government and management of the Affairs of the East India Company.

For the better government and security of the territorial possessions of this kingdom in the East Indies, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the King's Majesty, his heirs, and successors, by any commission to be issued under the Great Seal of Great Britain, to nominate and appoint such persons as his Majesty shall think fit, being of his Majesty's most honourable privy council, of whom the principal Secretary of State for the home department for the time being, and the Chancellor of the Exchequer for the time being, shall be two, to be, and who shall accordingly be, commissioners for the affairs of India.

And be it enacted by the authority aforesaid, that any number not less than of the said commissioners, shall form a board for executing the several powers which, by this or any other act, shall be vested in the commissioners aforesaid.

And be it further enacted, that the said Secretary of State, and in his absence, the said Chancellor of the Exchequer, and in the absence of both of them, the senior of the said other commissioners, according to his rank in seniority of appointment, as one of his Majesty's most honourable privy council, shall preside at and be president of the said board; and that the said commissioners, or any of them, shall have, and they are hereby invested with, the superintendence and control over all the British territorial possessions in the East Indies, and over the affairs of the united Company of merchants trading thereto, in manner herein after directed.

And be it further enacted, that in case the members present at the said board shall at any time be equally divided in opinion, in respect to any matter depending before them, then, and in every such case, the then president of the said board shall have two voices, or the casting vote.

And be it further enacted, that it shall and may be lawful for the King's Majesty, his heirs and successors, from time to time, at his and their will and pleasure, to revoke and determine the commission aforesaid, and from time to time to cause any new commission or commissions to be sealed as aforesaid, for appointing any other person or persons, being of his Majesty's most honourable privy council, of whom the Secretary of State for the home deparment, and the Chancellor of the Exchequer for the time being, shall always be two, to be commissioners and members of the said board, when, and so often as his Majesty, his heirs or successors, shall think fit, so that the number of commissioners therein to be named shall in no wise exceed the aforesaid number of

Provided always, and be it further enacted, that the office or place of a commissioner or member of the said board hereby erected, shall not be deemed or taken to be a new office or place, within the intent and purview of an Act of the sixth year of the reign of queen Anne, intituled, "An Act for the security of her Majesty's person and government, and of the succession of the crown of Great Britain in the Protestant line."

And be it further enacted, that the said board shall be fully authorized and empowered, from time to time, to check, superintend, and control, all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the territories and possessions of the said united Company in the East Indies.

And be it further enacted, that the said Secretary of State for the time being, shall nominate and appoint a secretary to attend upon the said board, who shall be subject to dismission, at the pleasure of the said board; and that the said secretary shall enter, or cause to be entered, in books, all proceedings whatsoever to be had by or before the said board; and shall be paid such salary as his Majesty shall, by warrant under his sign manual, direct.

Provided always, and be it further enacted, that the members of the said board, before they shall proceed to act in the execution of any of the powers or authorities to them given by this Act (save only the power of administering the oath after mentioned) shall severally take and subscribe the following oath: (that is to say)

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"I, *A. B.* do faithfully promise and swear, that as a commissioner or member of the board for the affairs of India, I will give my best advice and assistance for the good government of the British possessions in the East Indies; and will execute the several powers and trusts reposed in me, according to the best of my skill and judgment, without favour or affection, prejudice or malice, to any person whatsoever."

Which said oath any of the members of the said board shall and are hereby empowered to administer; and the said oath shall be entered by the said secretary among the accounts of the said board, and be duly subscribed and attested by the members thereof, at the time of their taking and administering the same to each other respectively.

And, to the intent that the said board may be duly informed of all transactions of the said Company, in respect to the management of their concerns in the East Indies, be it further enacted, that all the members of the said board shall, at all convenient and reasonable times, have access to all papers and muniments of the said united Company, and shall be furnished with extracts or copies thereof as they shall from time to time require; and that the court of directors of the said united Company shall, and they are hereby required and directed, to deliver to the said board copies of all minutes, orders, resolutions, and other proceedings, of all general and special courts of proprietors of the said Company, and of the said court of directors, within days after the holding of such respective courts; and also copies of all dispatches which the said directors shall receive from any of their servants in the East Indies, immediately after the arrival thereof; and also copies of all letters, orders, and instructions whatsoever, relating to the civil or military government or revenues of the British territorial possessions in the East Indies, proposed to be sent or dispatched, by the said court of directors, to any of the servants of the said Company in the East Indies, days at the least before the time proposed for sending or dispatching the same respectively; and that the said court of directors of the said united Company shall, and they are hereby required to pay due obedience to, and shall be governed and bound by, such orders and directions as they shall from time to time receive from the said board, touching the civil or military government and revenues of the territories and possessions of the said united Company in the East Indies.

And be it further enacted, that, within days after the receipt of such copies last mentioned, the said board shall return the same to the said court of directors with their approbation thereof, subscribed by of the members of the said board, or their reasons at large for disapproving the same; together with instructions from the said board to the said court of directors in respect thereto; and that the said court of directors shall thereupon dispatch and send the letters, orders, and instructions, so approved or amended, to their servants in India, without farther delay; and no letters, orders, or instructions, until after such previous communication thereof to the said board, shall at any time be sent or dispatched by the said court of directors to the East Indies, on any account or pretence whatsoever.

And be it further enacted, that in case the said board shall send any orders or instructions which, in the opinion of the said court of directors, shall relate to points not connected with the civil or military government and revenues of the said territories and possessions in India, then, and in any such case, it shall be lawful for the said court of directors to apply, by petition, to his Majesty in council, touching such orders and instructions; and his Majesty in council shall decide whether the same be, or be not, connected with the civil or military government and revenues of the said territories and possessions in India; which decision shall be final and conclusive.

And be it further enacted, that as soon as the office of any one of the counsellors of the presidency of Fort William in Bengal shall become vacant, by death, by removal, or resignation, the vacancy so happening shall not be supplied by the said court of directors, but the said supreme government shall from thenceforward consist of a governor-general and supreme counsellors only: and that the commander in chief of the presidency of Fort William in Bengal for the time being, shall have voice and precedence in council next after the said governor-general, any thing in any former act of parliament contained to the contrary notwithstanding.

And be it further enacted, that the go-

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vernment of the several presidencies and settlements of Fort St. George and Bombay, shall, after the commencement of this Act, consist of a governor or president, and counsellors only, of whom the commander in chief in the said several settlements for the time being shall be one, having the like precedence in council as in the presidency of Fort William in Bengal.

And be it further enacted, that from and after the nomination and appointment of the several commanders in chief in the said presidencies or settlements of Fort William, Madras, or Bombay, shall be, and the same are hereby vested in his Majesty, his heirs and successors; any law, usage, or custom, to the contrary notwithstanding.

And be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint any person or persons to succeed to the said office of commander in chief in the said several presidencies or settlements; and the persons so nominated and appointed shall respectively succeed to the said offices of commanders in chief respectively, in like manner as if they had been appointed upon or after a vacancy or vacancies.

Provided always, and be it enacted, that the persons to be appointed to succeed to the office or place of commander in chief in the said presidencies or settlements, upon any vacancy thereof respectively as aforesaid, shall and may, if his Majesty, his heirs or successors, shall, by such appointment, so direct, have military command and authority next and immediately after the commander in chief of such presidencies or settlements respectively.

And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign manual, countersigned by the said secretary of state, to remove or recal the present or future governor-general of Fort William at Bengal, or any of the members of the council of Fort William aforesaid, or any of the governors or presidents, and members of the councils, of the presidencies or settlements of Fort St. George and Bombay, or of any other British settlements in India, for the time being; and to vacate and make void all and every or any appointment or appointments, as well absolute as provisional, of any person or persons to any of the offices or places aforesaid; and that all and every the powers and authorities of the respective persons so removed or recalled, or whose appointment shall be so vacated, shall cease and determine at or from such respective time or times as in the said writing or writings shall be expressed and directed: provided always, that a duplicate or copy of every such writing, attested by the said secretary of state for the time being, shall, within days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered, by the said secretary of state, unto the chairman or deputy chairman for the time being of the said united Company, to the intent that the court of directors of the said Company may be apprized thereof.

And be it further enacted, that whenever any vacancy or vacancies of the office of governor-general or president, or of any member of the council (other than the commander in chief) shall happen in any of the presidencies aforesaid, either by death, resignation, or recal, as aforesaid, then and in such case the court of directors of the said united Company shall proceed to nominate and appoint a fit person or persons to supply such vacancy or vacancies, subject to the approbation of his Majesty, his heirs, and successors; and within days next after any such nomination and approbation shall be made, the same shall be signified by the chairman or deputy chairman of the said court of directors, to his Majesty, his heirs or successors; and in case his Majesty, his heirs or successors, shall approve the said nomination and appointment, then the person or persons so nominated shall be constituted and appointed to the office or place, offices or places, for which he or they shall have been so respectively nominated, and shall so continue, from the time of his or their taking the same upon him or them, until he or they shall resign the same, or be removed or recalled therefrom by his Majesty, his heirs or successors, and so *toties quoties*: and in case the person or persons so nominated and appointed by the said court of directors, shall not be approved by his Majesty, his heirs or successors, then, within days after his Majesty, his heirs or successors, shall have caused to be signified to the chairman or deputy chairman of the court of directors, that his Majesty, his heirs or successors, doth or do not approve of such person or persons, the said court shall proceed to nominate and appoint some

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other person or persons to the said office or place, offices or places respectively, subject to the approbation or disallowance of his Majesty, his heirs and successors, in such and in the same manner as is herein before directed or prescribed, and so *toties quoties*, until some person or persons shall be nominated and appointed, who shall be approved by his Majesty, his heirs or successors.

Provided always, and be it further enacted, that in case, and so often as the court of directors shall not, within the space of to be computed from the day whereon the notification of the vacancy, or of his Majesty's disapprobation of any person by them nominated as aforesaid, shall have been received by the said court of directors, proceed to supply the same, then and in any such case, and so often as the same shall happen, it shall be lawful for his Majesty, his heirs and successors, to constitute and appoint, by writing, under his or their royal sign manual, such person or persons as his Majesty, his heirs or successors, shall think proper, to succeed to and supply the respective office or place, offices or places, so vacant, or from which any person or persons shall be so recalled or removed, or whose appointment or appointments shall have been vacated and made void as aforesaid: and that every person or persons so constituted and appointed, shall have and be invested with the same powers, privileges, and authorities, as if he or they had been nominated and appointed by the said court of directors, and approved by his Majesty, his heirs and successors.

And be it further enacted, that no resignation to be made of the offices of the governor-general, or governor or president of any of the subordinate settlements, or commander in chief, or member of the respective councils of the said presidencies in India, shall be deemed or construed to be legal or valid, or shall be accepted as such, unless the same be made by an instrument in writing under the hand and seal of the officer or person resigning the same.

And be it further enacted, that no order or resolution of any general court of the proprietors of the said united Company shall be available to revoke or rescind, or in any respect to affect, any act, order, resolution, matter, or proceeding, of the said court of directors, by this Act directed or authorized to be made or done by the said court, after his Majesty's pleasure shall have been signified upon the same, in the manner herein before directed; any law or usage to the contrary notwithstanding.

And be it further enacted, that so much and such parts of an Act, made in the 21st year of the reign of his present Majesty, as directs the court of directors of the said united Company to deliver to the commissioners of the Treasury, or to the high treasurer for the time being, or to one of his Majesty's principal secretaries of state, copies of any letters or orders relating to the management of the revenues, or the civil and military affairs of the said Company; and also all such powers and authorities given to or vested in the proprietors and directors of the said united Company, or in any general or special court thereof respectively, in and by any act of parliament or charter, as are contrary or repugnant to this Act, or any thing therein contained, shall be, and the same are hereby discontinued, for and during the continuance of this Act; any thing contained in any such act or charter, or any custom or usage, to the contrary notwithstanding.

And be it further enacted, that this Act shall take place and have commencement, in Great Britain, immediately after and shall take place and have commencement, in the several presidencies aforesaid, and in the territories thereunto belonging, from the and shall remain and continue in force for the space of years.

And be it further enacted, that this Act shall be deemed and taken to be a public Act.

Mr. Fox obtains leave to bring in a New India Bill.] Mr. *Fox* rose to move for leave to bring in a Bill for the better regulation and management of the affairs of the East India Company. In doing this, he stated that he had only two fundamental principles from which he could not retire; and these were, that the system for the government of India should be permanent, rendered so by the authority of parliament; and secondly, that the government should be at home. These were points of his Bill from which he could not recede. They were the essential grounds on which he had gone in all his propositions for India. Other parts of his system were secondary, and might be modelled to meet the inclinations and opinions of the country. In the mean time, he begged

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leave to ask the right hon. gentleman, if they were to be permitted to enter with freedom and security into the progress of this Bill; if they were to trust to the promise made in the Answer of the crown to the Address of the House; or if they were to be dissolved, because they had had the spirit and wisdom to maintain their opinion, and to reject a Bill, which in its principle and tendency was so opposite to that which they had adopted? Perhaps gentlemen might think it was necessary to secure themselves against the possibility of such an act of desperation and violence on the part of ministers, by an address to the throne. He did not think, however, that even they, mad, weak, or desperate as they might be, would venture to go such a length. He did not think they would; because, trusting to the candour of the right hon. gentleman, he did not believe it possible that he should be guilty of such scandalous deceit and imposition as to perpetrate such an act after the Answer which he had framed for his Majesty. But as that Answer certainly contained an equivocal meaning, and might have various readings, he thought the right hon. gentleman called upon to rise, and declare explicitly what was the true sense of that Answer, and what was the construction which he, as the framer, put upon it.—Leave was given.

Mr. Pitt sat still; the members from all sides of the House calling upon him in vain to rise.

Debate in the Commons on the expected Dissolution.] Sir *Grey Cooper* said, the silence of the right hon. gentleman, though it seemed to indicate an intention to proceed to the dissolution of parliament, ought not, in his mind, to be so construed. It was impossible to imagine that any set of men could be so violent as to dissolve the parliament in the present circumstances of things. If they did, the nation would have the alarming novelty of a standing army in the country in a time of peace, not under the authority of an act of parliament, nor governed by any law. Besides this, it was to be remembered, that the sum of 2,700,000*l.* had been granted by parliament to the King for the supplies of the year, which immense sum was as yet unappropriated, and could not be appropriated without grants. If any ministers should be daring enough to touch this money, or to apply it without sanction from parliament, what would the public creditors say, if by a dissolution of parliament they should be prevented from receiving their money? But these were only two of many considerations that operated against such a measure, and he thought if the right hon. gentleman persisted in his silence, the House should come to a resolution.

The cry of 'Move, move!' on Mr. Pitt's sitting still, was very loud.

Mr. *Fox* spoke, and spoke with still more animation than before. The dissolution of parliament, in circumstances like the present, was an act of such violence, and would be productive of such effects, as not the talents, vigour, nor industry of the present ministry, were they even much greater than their best friends affected to think they were, would be able to retrieve. In the present moment, when the taxes were to be considered—when means were to be tried by which the severest of our burthens might be lightened—when means were to be thought of for procuring, on the easiest terms, the sums that must be borrowed this year for defraying of necessary and incumbent debts—when taxes were to be framed at a time when easy taxes were not to be discovered by the most inventive mind—when treaties were negociating with foreign powers—when the confused and complicated accounts of a long war were to be made up—at such a moment to see a ministry, whom the House of Commons had declared to be destitute of their confidence, daring enough to dissolve the parliament, was a novelty in the history of this country. It was impossible for him to speak of the sulky silence of the right hon. gentleman in any other terms than those of indignation. That the minister of the crown should treat the House with so little decency was really strange, and he still trusted in the candour of the right hon. gentleman that he would give them satisfaction, and supersede the necessity of their going into any farther measure to secure their existence, until the Bill which he had moved for leave to bring in should be fairly argued.

Mr. *Dempster* thought it impossible that there could be any serious design of dissolving parliament, because he could not think it possible that the minister who framed the King's Answer could be so indelicate as to proceed to such a measure. If every other consideration was out of the way, the season of the year and the depth of the snow in the country

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ought to be an insuperable objection. There were physical impossibilities to the return of a new parliament. In the county where he lived, it was hardly possible to pass from seat to seat; and if there should be a dissolution, he who had the greatest muscular powers would carry the election. But could it be seriously imagined that any set of men who had the welfare of the country at heart, would postpone all public business, in such a moment as the present, for sixty days? He could not believe it. In regard to the new India Bill moved for by the right hon. gentleman, he rejoiced in his having renewed his plan; it was full of vigour, efficacy, and regulation. He would now be able to modify it in respect of patronage, and he might make it generally palatable. If we must keep the East Indies, which he, for one, lamented that we must, he trusted the right hon. gentleman would provide that no more officers, civil or military, should be sent to India for four years to come; it was the number of officers that, in his mind, created the abuses. He also recommended the idea of gradation and succession, in order to restore the discipline of the Company.

The House still called most vehemently on Mr. Pitt to rise.

General *Conway* spoke of his conduct in very warm terms. He said it was a new thing to see a minister sit in sulky silence, and refuse to give to the general desire of the House an explanation of words which he had presumed to put into the mouth of his sovereign. Those words were equivocal; they were calculated to deceive and impose on the House. They generally thought so, and they called upon the minister to explain his meaning, and he sat in sullen silence. He had declared, that he thought himself bound to explain to the House, and account to them for his conduct within the last ten days. That he ought to account to them was certain, for he had stood against the voice of the representatives of the people of England; and even after they had declared that they had no confidence in him and his colleagues, they had endeavoured, by every mean, sinister, and unworthy art, to keep their places, although they knew that they were incapable of serving their country in any one act by their continuance in office. They endeavoured to gain over an influence in vain. The right hon. gentleman was called upon to explain his own conduct. Though he had pledged himself to do it, he remained unmoved. But he called upon him to do this for his own honour: he called upon him to clear himself from the imputation which lay against him. The present ministry originating in darkness and secrecy, maintained themselves by artifice. All their conduct was dark and intricate. They existed by corruption, and they were now about to dissolve parliament, after sending their agents about the country to bribe men.

Mr. *Pitt* called the right hon. general to order, and desired him to specify the instances where the agents of ministers had gone about the country practising bribery. It was an assertion which he believed the right hon. general could not bring to proof, and which, as he could not prove, he ought not to assert. He begged the right hon. general to suffer him to be the judge of his own honour. He had not been long accustomed to the violence of that House, nor to its harsh language; but he had been long enough accustomed to it, to assure the House, that neither unsupported slander, nor intemperate invective, should discompose his mind. He would not condescend to answer interrogatories which he did not think gentlemen entitled to put to him. He said, he should not give any answer whatever to their questions; and he concluded in a tone of high and elevated sentiment, and a classical text, expressive of its being inconsistent with dignity to attend to their rash slanders, or their modest questions.

General *Conway* said, he was ready to maintain what he had said. Let the right hon. gentleman move to take down his words, and he would make his charge. Where were the instances? The instances were notorious. Their ratcatchers were running about the country, nibbling at boroughs as well as at men. The general was exceedingly spirited, and declared that the conduct of the right hon. gentleman was not only an insult, but an indecency. He could not have imagined it possible that any man who stood upon his character, could have treated the House in that manner.

Mr. *Sheridan* observed, that since the minister appeared to persist in a sort of obstinate and sullen silence, it became the House to advert to one very material consideration; and that was, that the deputy clerk of the crown should be restricted from showing any degree of partiality to those who were with or against the Trea-

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sury, in issuing the writs which would be necessary in case of a dissolution of parliament. He would therefore move, "That Harry Harwood, esq. messenger to the Great Seal, or his deputy, do attend the House this day." He said this, because in fact he knew not what day to mention.

Lord *North* was astonished at the appearance of the minister on the present occasion. He had put words in the sovereign's mouth, which every body thought they understood at the first reading; and most people had deemed the Answer given to an Address against a dissolution pretty satisfactory. It was soon perceived, however, that these words were capable of another interpretation. This put the House on interrogating the minister concerning his own meaning. And what did he say? Nothing: but contented himself with deliberately insulting this House, and telling us, that he scorns to mind either what we say, or what we can do.

The Earl of *Surrey*. If no other person would pledge himself, in case ministers continued in this sullen humour, and refused every degree of satisfaction to the House concerning their fate, that he would certainly move something in order to bring the matter to a period.

Mr. Sheridan's motion was put, and carried.

Mr. *Eden* then rose, and said, that since nothing could prevail with the minister to be explicit, he would put the matter in the shape of a question, and would ask, Whether it was the minister's intention to dissolve the parliament before the conclusion of the present session?

Mr. *Fox* flattered himself, that the hon. gentleman who spoke last would be saved the disagreeable task of making his motion. He hoped the responsible ministers of the crown would remain no longer in indignant silence, or deny that satisfaction to the House which they had a right to demand. He could by no means allow himself to think that the right hon. gentleman would persist in maintaining any longer a doctrine which he had so seriously advanced, that the ministers of the crown were not bound to answer the interrogatories of the House. The speech of his Majesty was the speech of the minister, and he hoped that the minister would not lay the House under the disagreeable necessity of compelling him to discharge his duty to parliament and his country. The right hon. gentleman had enlarged on his modesty, and had quoted the expressions of an elegant author, as an illustration of this favourite topic. His temerity, however, would surely constitute a better theme for classical declamation. Of this quality the right hon. gentleman had given some proofs, but of his modesty, he believed, there were few evidences in the recollection of the House.

Mr. *Martin* expressed his disapprobation at ministers refusing to satisfy the House on the important points on which they wished to investigate their sentiments. In this system of conduct he could not support them, and if a threatened motion was made, he would in this instance abandon them.

Mr. *Charteris* asserted his own independence. He was connected with no party. The conduct, however, of ministers struck him at present, as being so insulting to the dignity of the House, that he would support any measures which conveyed censure on their conduct, or tended to extort from them that information which they were bound to give.

Mr. *Fox* still expressed his surprise at the conduct of the minister. Perhaps he imagined, because he had insulted the House so far, he might insult it still farther. He was however averse from taking any improper advantage of him. He would therefore allow him to think of his situation for some time, and (it being two o'clock in the morning) he would move to adjourn to that day (Saturday) at twelve; at which time he hoped members would attend, that proper measures might be taken to vindicate the honour, and assert the privileges of the House.

The House accordingly adjourned.

Jan. 24. The House met this day at the usual hour; and since the beginning of the session, there never was a more numerous attendance. As soon as Mr. Pitt had taken his place,

Mr. *Powys* rose. His emotion was such, that he shed tears while he was speaking. He said, that the scene of confusion to which he had been last night a witness, had so haunted his mind, that it had never been a moment absent from it since. He had been ever since filled with the melancholy idea of the fatal consequences that might be apprehended from the temper and disposition which seemed to prevail in the House. He returned his sincere thanks to the right hon. gentleman (Mr. Fox) for having interposed his influence on the House, to prevent them

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from proceeding to any resolutions in the temper of mind in which they appeared when they broke up last night. He also returned his sincere thanks to all those members who used their best endeavours to keep the House from proceeding to any business at a moment when the members appeared to be too much agitated to debate with temper. He declared that in what he wished at this moment to say, he was not at all influenced by any previous concert with the right hon. member at the head of the Treasury: he was proud to boast of his friendship with that right hon. gentleman; but he hoped that the House would believe him, when he assured them he was above duplicity. He was determined to act according to what he should conceive to be for the advantage of the country; but before he should proceed, he wished to put a question to the Chancellor of the Exchequer, and by the answer which he should receive he should be determined whether or not he should make a motion, which at that moment he had in contemplation. If the right hon. member should not give any answer at all, he would not construe his silence into disrespect; but he should construe it to mean, that he did not think it proper to give an answer to it, lest he should engage too far in a business of a very delicate nature: however, in the present alarming situation of affairs, he thought it his duty to put his question, and to call for an answer to it: the question, therefore, to which he wished to have an answer, was, Whether that House might expect to be in existence, and to meet again, on Monday next? He did not, as the right hon. member might see, call for an answer that might proclaim to the public the secrets of the crown, which, as a minister, the right hon. gentleman was bound not to reveal; he wished simply to know from him, whether, on Monday next, the House might expect to meet again, in order to proceed to business.—For some time after Mr. Powys had put this question, Mr. Pitt remained silent: Mr. Powys then rose again, and said, that he called upon the right hon. member, as a minister of the crown, to give him an answer.

Mr. *Pitt* said, that he had laid down to himself a rule, from which he did not think he ought in duty to depart, which was, not to pledge himself to the House, that in any possible situation of affairs, he would not advise his Majesty to dissolve the parliament; however, as the hon. gentleman had brought the matter to a very small point, in asking whether the parliament might expect to meet again on Monday next, he would so far gratify the hon. gentleman as to tell him, that he had no intention to prevent the meeting of the House on that day.

Mr. *Powys* said, that he had put the question to the right hon. gentleman in such a manner, that he expected from him an answer, which might be deemed the answer of the minister of that House; for as he had several colleagues, it was possible he might be out-voted by them on a question of a dissolution.

Mr. *Pitt* replied, that he conceived the question had been put to him as to the minister of the crown, and that as such he had answered it.

After this the House adjourned to Monday.

January 26. The King's Answer to the Address of the House of the 22nd inst. being read,

Mr. *Eden*, after a short introductory speech, moved, "That it appears to this House, that his Majesty's said most gracious Answer contains assurances, upon which this House cannot but most firmly rely, that his Majesty will not, by the prorogation or dissolution of parliament, interrupt this House in their consideration of proper measures for regulating the affairs of the East India Company, and for supporting the public credit and revenues of this country; objects which, in the opinion of his Majesty, and of this House, and of the public, cannot but be thought to demand the most immediate and unremitting attention of parliament."

Mr. *Marsham* rose to second the motion, agreeably to his promise of Saturday. He declared, he had never entertained but one opinion upon the King's Answer to the Address of the House, and that opinion had corresponded with the motion then proposed.

Mr. *Pitt* said, he took the earliest opportunity of speaking to a motion which every gentleman must be aware concerned him personally. As the construction of his Majesty's Answer was now brought forward in the shape of a question, and thus rendered the subject of free parliamentary discussion, he certainly was bound to meet that question, and enter upon its merits fairly and unreservedly His mind, he was ready to confess, was relieved from those difficulties which he had before felt,

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and which had determined him to resist any attempt to extort from him a verbal declaration of something he might stand pledged for as a minister; that sort of embarrassment being wholly removed, by the matter no longer depending on the interrogatories of private individuals, but coming forwards in the shape of a regular motion, (and he would beg leave to observe, by-the-bye, that the question had never before been put to him by the House), he would state his opinion upon the subject. That his Majesty, by his Answer, gave that House to understand, and in a manner pledged himself, that he would not interrupt their meeting again, after such an adjournment as the circumstances of the time might require, was undoubtedly true. But he saw not how the royal word could be inferred to be pledged any farther. The motion declared it to be the construction put upon his Majesty's Answer by that House, that his Majesty had promised not to interrupt their deliberations, by an exercise of his royal prerogative of prorogation or dissolution, while the affairs of the East Indies, and the support of the public credit, continued the subjects of their consideration. To such an indefinite promise he would not subscribe; and therefore to a motion affixing such an unlimited construction on the King's Answer, he must give his dissent; and that for the strongest reason that could possibly be adduced, viz. because he knew, when he advised his Majesty to use the words in which the Answer was framed, he never had any such indefinite sense of them in his contemplation. In the present situation of affairs, he thought a dissolution could not but be attended with great detriment and disadvantage, and therefore he would not advise any such exercise of the prerogative.

Mr. *Fox* rose to declare, that what the right hon. gentleman had just said on the subject of dissolution, was perfectly satisfactory; but had he condescended to have made the same declaration on that day fortnight, he would have spared that House and the country a great deal of anxiety. He begged leave, however, to remind the right hon. gentleman, that he had not taken any notice of a part of his hon. friend's argument, of which he had formerly notified that he would give the House an ample account, and upon which undoubtedly the House would expect to have some satisfaction. What he meant was, an account of the reasons which had induced the right hon. gentleman to continue in office as a minister, after that House had come to a resolution expressive of their disapprobation of his remaining in that situation, and had declared, that he had lost their confidence, by the unconstitutional means by which he had come into power. That his situation was new and extraordinary, the right hon. gentleman had himself admitted; it certainly was so, for he believed it was not to be paralleled in the history of the country, for a minister to remain in office, after the House of Commons had declared, that his continuing in a place of high trust was contrary to constitutional principles, and injurious to the interests of his Majesty and his people. What was the plain inference from such a conduct, but that the right hon. gentleman considered himself as superior to the House of Commons, and held their resolutions in contempt? The House had voted his continuance in office unconstitutional, and yet he still held his situation as a minister. Individuals, let their rank be ever so exalted, Mr. Fox said, were bound to obey the sense of the House: all ministers ought to do so. But what was the House to think of one of its own members flying in its face? By such conduct the public business was delayed in a manner highly injurious to the nation. Of late several most respectable gentlemen had entertained notions of conciliation and union, as the only means of establishing a permanent administration, and they had very properly said, that no union could be useful, which was not grounded in honour and in principle. The declaration was undoubtedly just, but whatever might be the necessity and the propriety for the individuals who were called on to unite to take care of their own honour, there was a much stronger necessity that the honour of that House should be taken care of. The honour of that House could not be satisfied while the present administration remained in office; the House had pledged its honour on the subject, and it would establish a most dangerous precedent, if they were suffered to continue. He wished not to proceed to violent methods, but the resolution that stood upon their Journals must be followed by an Address, if ministers would be so indecent as to oblige that House to carry every thing to extremity. The right hon. gentleman stood at that moment not the constitutional minister of the people, but the unconstitutional minister of the crown.

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The House had voted him such, and when he gave him that name, he dealt not in declamation, but spoke the language of the Votes and Journals of the House. Mr. Fox enlarged upon this idea very considerably, and urged the Chancellor of the Exchequer to comply with his own promise to account for his having continued in office in defiance of that House and its resolutions, coming down from day to day to meet a majority directly and avowedly disapproving of him as a minister, without the power to carry on any public business, or to serve his country in any manner whatever, but on the contrary obstructing the progress of great and important considerations which ought to be brought forward. With regard to what the right hon. gentleman had said of the King's Answer having been understood differently by those who sat near him when it was first taken into consideration, and that it had then been declared to mean no more than that his Majesty had only pledged himself not to prevent the House from meeting after the adjournment for the recess, the right hon. gentleman was not in the House at the time to which he had alluded, or he must have known that the very reverse of his assertion was the fact. The construction put upon the King's Answer by the present motion, was the construction put upon it by most of those near him, who spoke on that occasion: he himself had been the single instance of its being suggested, that the Answer was so worded as to warrant any doubt as to its construction. He had said, undoubtedly, that it would bear such a construction, but he had declared at the same time that he believed it was not meant to carry such a meaning, and in the course of the debate it had been so treated. Having put this very pointedly, Mr. Fox returned to the consideration of Mr. Pitt's having remained in office in direct opposition to the resolutions of that House, and said, that the House would expect satisfaction on that head. He declared he wished for cool consideration on what had happened for the past three weeks. Let the right hon. gentleman state the intentions of ministers, let him recollect that the resolution condemned them on a measure: to remain in office after that, was to put themselves and the country in a situation unparalleled since the Revolution. The House must have an explanation; the sooner it was given, the better, since, let it be delayed ever so long, it must be given.

Mr. *Pitt* rose immediately, in obedience to the call of the House, which was pretty general, that he should say something in reply. He declared, he had not in his former speech touched on the subject dwelt upon by the right hon. gentleman, because he did not perceive that any thing in the present motion had the smallest reference to it; he had waited in expectation that the House would go into the committee on the state of the nation, in which some resolution might possibly have been brought forward, that would have rendered his going into a discussion of his conduct, and his stating the reasons which had induced him to continue in office, after the resolutions that House had lately come to, more proper than it would have been for him to enter upon such a topic collaterally. With regard to accounting for his conduct, he had never expressed any backwardness; he had not the least objection to explain any point that regarded himself. He should scruple not to speak his free sentiments upon the subject, which was at all times the right of every man, and which he doubted not would not be denied him. To suppose that he set himself up as superior to the House of Commons, or that any individual could be mad enough to put himself into so ridiculous a situation as to oppose numbers, and those so respectable, was what he imagined no man in his senses could conceive. Much less, he hoped, could it be thought that he held the resolutions of that House in contempt, or regarded them with any degree of indifference. Neither of these suppositions could seriously be entertained for a moment. He had the profoundest respect for the House, the utmost reverence for their resolutions, being perfectly aware that the House had it in its power at all times to follow up their resolutions with measures that could not fail to render them effectual. That he stood in a situation perfectly new, he was ready to admit; but that he stood in that situation in contempt of that House, or as holding himself superior to its authority, he must beg leave to deny. New and extraordinary circumstances might justify new and extraordinary conduct. For any minister who had been declared unworthy the approbation and confidence of that House to remain in office, was, he confessed, far from common; but he hoped he should not give offence, when he declared, that a minister might nevertheless act constitutionally, by remaining in office after that

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House had declared their disapprobation of him. He begged pardon for what he was going to say, but he conceived that, according to the constitution, the immediate appointment or removal of ministers rested not with that House. There was therefore nothing illegal in a minister's remaining in office after that House had declared against him, particularly where immediate resignation would have injured the country; and he hoped a public man might be supposed to act honourably, when, upon public motives, he thought he best served his country by continuing in office after he had been so unfortunate as to lose the confidence of that House. He explained this, by declaring that there were acts of duty, not the less indispensible, because they were disagreeable; that, in critical situations, it was incumbent on a minister, who found he was not approved by that House, to look to the probable consequences of his immediate resigning. It behoved him to consider who were likely to be his successors; and whether the country might not receive more detriment than they could possibly derive advantage by his leaving it without any executive government, and thus making room for an administration in whom the crown, the parliament, and the people could not equally repose confidence. He acknowledged that the minister who should venture lightly to encounter the difficulty of holding his office against the consent of that House, would in all probability be made to repent of his levity; the necessity ought to be great undoubtedly, since to attempt such an arduous matter, without the strongest reasons possible, would be rash, imprudent, and unjustifiable. There were circumstances, however, under which, he conceived, the meeting that difficulty with cheerfulness was far from reprehensible. He had not continued in his situation from motives of ambition: he had not remained a minister from a desire of clinging to office, nor from any regret at the loss of official emolument. To have resigned immediately, after the House had come to their resolution on Friday se'nnight, would have been to have let in the ministers, who, however they might enjoy the confidence of that House, he believed had not the confidence of the nation. Such a change therefore could have done no good to the country. It was true, the majority of that House had decided against him; but the sense of the House upon that point did not appear to be grown more and more, in the progress of the time that had elapsed since his coming into office; on the contrary, the majority had gradually decreased. A union had been much talked of, and fondly wished for by some. A union must have regard to principle and public honour as became public men; that was an essential object, and could alone give salvation, if it were to be accomplished. Mr. Pitt reasoned upon this for a considerable time, and said, the consequences of a sudden resignation were delicate subjects, but they were matters which it was the duty of a minister to consider before he resolved to retire. That this consideration alone had kept him in office after what had past in that House lately. That he derived no pleasure from being a minister under such circumstances; on the contrary, much pain and mortification; but that he considered himself as performing an act of necessary duty to his king and country; and so long as that continued to be the case he should persevere, though nothing could be farther from his thoughts than an indifference to the resolutions of that House, a disregard to its opinions, or a contempt for its approbation and confidence. He trusted, that he had held constitutional language, and had said nothing disrespectful.

Mr. *Fox* said, it had given him concern to hear what the right hon. gentleman had said; it had confirmed him in what he had before only suspected, namely, that the right hon. gentleman considered himself as superior to the House of Commons. What was the result of the right hon. gentleman's argument, but that he opposed his private opinion to the resolutions of that House? Was his continuance in office a benefit to the country, and injurious to the principles of the constitution? That House had said it was; but the right hon. gentleman had thought proper to fly in the face of the opinion of the House, and say it was not. If the right hon. gentleman continued in office, could the affairs of government be carried on? Undoubtedly they could not; because an administration without force, and not possessing the confidence of that House, could propose no measure, however necessary, with effect, and could do the country no service whatever; on the contrary, it put every thing in confusion, it created universal anarchy, it brought on endless disorder. The right hon. gentleman had talked of the decreasing majority, and had reasoned upon that

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as an argument that the present ministry became less and less unpopular. The argument was fallacious, the reasoning unsound. Let the right hon. gentleman consider the circumstances that had attended the two India Bills. Let him compare the large majority that had divided in support of that brought in before the holidays, with the majority of last Friday. The late administration, no man could deny, possessed the confidence of that House, and were going on with the public business regularly, on the ground of possessing that confidence. They had been undermined by whispers and intrigues, and upon an overthrow so brought about, the present ministers had come in, and by that means lost the confidence of the House. The right hon. gentleman, therefore, and his colleagues having come in unconstitutionally, and having been declared by that House to have done so, were they the best ministry that ever were selected, must go out, nor could the matter be palliated by forming a union while they remained in office. Was an administration arranged without their resigning, even though composed of the wisest and ablest statesmen in existence, such an administration could do no good, because it would stand on unconstitutional grounds. Mr. Fox compared the present situation to what had been figuratively termed the *interregnum*, upon lord Shelburne's ministry being obliged to retire, and brought to the minds of the House the ill consequences of the extraordinary state in which the country had been placed by so long a want of government. He urged the necessity of avoiding a similar misfortune, and said it would lay with those on the other side of the House, if extremes were obliged to be resorted to, in order to force the present ministers to retire. Extremes were, in his mind, always, if possible, to be avoided. The right hon. gentleman had said, that House had it in its power to enforce its own resolutions, and by saying the power of removing ministers lay with them, he had pointed out to them, as it were, the propriety of voting an Address to the crown to remove the present ministers. Undoubtedly such a measure was at their option, and it was perfectly constitutional. He hoped, however, they would not adopt it till the last possible moment; he hoped they would avoid every thing like an extreme till they could no longer avoid it. The House, if he might have leave to recommend any line of conduct to them, would do well to be moderate but firm, temperate though determined in their proceedings. Let them avoid the snare laid for them, and neither risk a quarrel with the other House of parliament, nor incur the displeasure of the crown, by resorting to the expedient of going up to the throne with an address which would give them trouble that had better be avoided, and look like an indecency, where no indecency ought to be offered. The right hon. gentleman had declared some time since, that he would not retire on a question about men, but had desired to be judged by his measures. A measure, great and important in its consequences, had been discussed and decided against. There was now, therefore, no plea for his remaining in office, either with regard to men, or with regard to measures. Sacrifices had been expected and called for as the price of union. Whatever he might give up of his own honour, whatever he might give up of the honour of those with whom he acted, there was one thing he never would give up, namely, the honour of that House. He was bound to support it against unconstitutional principles and unconstitutional ministers. No man could get over it without the basest treachery to the House, and without making it a scandalous sacrifice to private motives. If any treaty was entered into while the present ministers remained in office, that House would have a right to say, "You wanted place, you sold us for power." The House must carry their point, they must force ministers to retire, or it had been better they never had come to the resolution that stood on their Journals. The House of Commons was, he said, the corner-stone of a strong administration; and ought it to be disregarded? He would give up much, but he would never give up the dignity of the House. If any man thought it ought to be given up, let him move to rescind the resolution. While it remained on their Journals, it must be looked to as the ruling principle of their conduct. He asked to what end would ministers wish to continue in office? It had remained for the right hon. gentleman to discover the satisfaction of continuing minister under such circumstances. It was agreed on all hands, that a stable and permanent government was necessary. Was the present such a government? It was a stable government indeed, that could do nothing! The present, it was plain, had no power to

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act; and to what purpose continue, when its continuance was a stumbling-block to union, and a bar to all hopes of conciliation. He asked, whether the country ought to be made a victim to such conduct. If persisted in, the House must proceed farther: he hoped, however, that there would be no necessity. The consequence could not be agreeable; but however disagreeable the issue, it must be imputed to those who thought themselves wiser than the House, and they, and they alone must answer for it to their country. When he said this, he was far from meaning to have it understood, that he thought a minister was never justifiable in differing in opinion from that House. No man in the situation of a minister would be more likely to differ from that House than he should; but then he would adhere to his opinion, and when he found the House and he thought differently, he would resign his office, and say to the House, "choose another instrument to carry on the public business, I am no longer fit to serve you." Mr. Fox dwelt upon this for some time, and after urging his arguments in a variety of shapes, upon the indispensible necessity of preserving the honour of the House, and obliging the present ministers to retire, he repeated his earnest exhortation to the House to act with temperance and forbearance, to do nothing rashly and hastily, but to avoid extremes, and to adhere steadily, but dispassionately, to their purpose. Before he sat down, he said he had no objection to agree to an adjournment; he meant to move that the order of the day might be read, as soon as the present motion was disposed of, after which he should move to adjourn the Committee on the State of the Nation, to the first day to which the House should think proper to adjourn.

The question was put, and agreed to without a division. Mr. Fox then moved, That the House at its rising do adjourn till Thursday the 29th. Mr. Pitt declared he had no objections to the motion. It was therefore carried. Mr. Fox next adjourned the Committee on the State of the Nation to that day, which was likewise agreed to.

Debate on Mr. Fox's Motion to adjourn the Committee on the State of the Nation.] Jan. 29. The order of the day being read for going into a Committee on the State of the Nation,

Mr. *Fox* said, this was the day in which it was intended to resume the Committee on the state of the nation. He regretted, that when this order had been made, the circumstances in which it originated were not so effectually changed as to occasion in his mind any substantial reason against a literal compliance with it. The House and the public still saw, to their sorrow, a ministry in this country retaining their situations in direct opposition to the House of Commons. They saw the servant of the crown claiming the privilege of setting up his single opinion in opposition to theirs. They saw an obvious intention of putting all their resolutions and measures at defiance. Was it not resolved, after the most solemn and deliberate discussion of a very full House, that the present ministry, who came in on secret influence, and were supported by every sort of influence except that of a public and avowed one, was dishonourable to parliament, and injurious to the service of the country?

It was on account of their occupying this very singular and unsatisfactory ground, that their conduct had engrossed so much of the attention of the House. And were matters now altered for the better? What new facts had been stated, what other reasons assigned, than those already heard from the right hon. gentleman? The House consequently was reduced to the disagreeable and mortifying situation of being insulted and despised with impunity. Was this an honourable or decent situation for such an assembly? It was a situation in which ministers could do no public good whatever. National affairs were perfectly at a stand. And why? The right hon. gentleman said he would insist that his judgment was preferable to the collected wisdom of the House.

But let gentlemen consider what the present state of the public is. Is not the business of the public at a stand? What is it that can be carried on of any consequence to the community at large, while the ministry and the representatives of the people are at variance? He knew not what facts the right hon. gentleman might be in the humour to deny; but he was perfectly founded in saying, that whatever depended on the concurrence of parliament, was by his pertinacity or obstinacy perfectly at a stand.

In what business then were ministers engaged? The world were not to learn that much private favour had been lately distributed. But would ministers and their

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partisans say with what view these valuable gifts were vouchsafed? Was it not to strengthen, stimulate, and promote certain views which had excited ministers to increase a body of men which it was their object to render inimical to the constitutional influence of that House? This was a project which evidently originated with the secret advisers of the crown, whose interest it was to vilify and traduce the representatives of the crown; and those who would thus stoop to be their tools, their instruments, and their creatures, were always sure of encouragement at court. The confidence of the House of Commons, of the public, and of the world at large, was no object, no recommendation to them. But in proportion as they conciliated the good opinion of the public, in proportion as they stood well with the House, in proportion as their measures were likely to be of general advantage, in the same proportion would they be condemned, censured, and expelled the confidence, the caresses, and the favour of the sovereign. What, then, signified a majority of the House of Commons to a minister who stood on such a ground? It might serve him to carry a few necessary measures, but would never exhibit him as an eligible servant of the crown. No. It was only in so far as he deviated from the constitution, as he shewed a contempt for the opinion of the people, as he preferred his own judgment to that of parliament, that he should gain in the royal esteem, or merit the approbation and support of those who were constantly exercised in whispering the worst things of the best men.

These were the glorious and important purposes for which the whole patronage of the crown had devolved on them, and was used with all the licentiousness and partiality of private property! He always expected to be told on such topics as this, that the prerogatives of the crown were not to be impaired or restrained. He was the last man who would ever wish to see one of the three estates stript of any of those powers with which it was legally invested. But were not all those powers originally given with a view to the public service? He would be glad to know how such an object as this could be served by the late creations which had taken place. He trusted nothing he said would be understood in any degree as personal; but he thought it his duty to mention the interest which, as it struck him, the public undoubtedly had in whatever either directly or indirectly affected their interest. He would insist on it that ministers were responsible to the House of Commons for the exercise of every prerogative belonging to the crown. It was in the House of Commons, or by the people in their original capacity, that every exertion of those powers which distinguished the sovereign of the empire were ultimately to be tried, and in proportion as they answered the primary intention of their institution, be acquitted or condemned.

Now, however, the secret came out on which the present arrangement proceeded; they forfeited the confidence of the House, or, what was the same thing, treated it with the greatest contempt, because it insured them a welcome reception from their private employers. Their conduct was therefore no longer a mystery to the public; it was written in the most legible characters. They not only opposed their own official consequences to that of the House, but by their obstinacy and temerity established a most melancholy and dangerous variance between the sovereign and the people. Through the medium of this ill-omened administration, the subjects at large and their supreme magistrate were taught to regard each other with jealousy and mistrust. This was one capital object of their system, and it was undoubtedly well calculated for attaining its end.

To what lengths the House would be justified in going under such a circumstance, it did not become him to say; but neither would any one opposite to him pretend to affirm that parliament was not defied by ministers. Why did they not condescend to gratify the public, to meet the wishes of the people, to sacrifice their attachment to place for the sake of restoring tranquillity to the country, and confidence in an administration which might do the business of the people as it ought to be done? Who did not remember to whom the interregnum of last year was owing? How was the interval of public business then filled up? Things were then done which the nation could not soon forget; and they were done under the same circumstances of public discontent, and the same instruments which gave them their formality and effect. A similar indignity to the country in the eyes of all Europe was now going forward; was perpetrating in open day; was insulting those radical and hitherto undisputed powers which the constitution had lodged in the House of Commons. All the world were

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witnesses to a farce which the present actors could only submit to play. They kept the country without a government at a period when the pressure of public business never was greater; for at this time it could not be said we had in fact any thing like an effective government. He trusted in God men's minds would soon open to the ridicule of their own situation, and that they would save the British name from that ignominy inseparable from rulers of such a description.

But how long were they destined to continue under all the disadvantages of such an executive power, which was altogether destitute of energy, of influence, of respectability? How was the House of Commons, thus irritated and insulted, to conduct itself? He had conceived from their late conduct the best opinion of their resolution, their sense of dignity, and their attention to their honour and privileges as a body; he should therefore hope they never would suffer themselves to fall into the snare thus laid for them by those who wished, and only waited to take every possible advantage that might arise from their conduct in a situation thus critical and trying. They had already disappointed those who had thus proved them, by a temper, a moderation, and a magnanimity, which did them the highest honour. This was the calm, the deliberate, and the manly line of conduct in which he hoped they would persevere, and from which no temerity, no haughtiness, no obstinacy from those individuals who had set themselves against them, would ever tempt them to depart. He recommended firmness without obstinacy, and moderation without pusillanimity, as that which, notwithstanding every consequence, would still justify the strongest measures in the eyes of the public.

He therefore proposed the House should adjourn till Monday, when, if nothing occurred to give public affairs a more favourable aspect, it would certainly be necessary to resume the committee on the state of the nation. The few days respite which such an adjournment would afford might be employed as those which were passed had been. He trusted the well-meant endeavours of such as wished to produce something like a union, might not again prove abortive. But he was bound in conscience once for all to declare, that while the present ministry retained their situations, every effort of that kind, must be useless and unavailable.

Mr. *Pitt* declared he did not rise to oppose the motion of the right hon. gentleman, but was called up in very express terms to state his objections to the mode of arraignment thus constantly adopted by those on the opposite side of the House.—Against all that very high language thus personally addressed to him, he would only oppose his simple assertion, as he should affect no more argument on one side than was used on the other. Indeed he doubted not the House would think with him, that such a torrent of criminating assertions could not by any facts whatever be established. He was conscious to himself no part of his public life or official conduct stood in the least need of any apology. The delicacy of his present situation required discretion. He was determined to sustain it with as much firmness and decency as he could. This resolution was the result of deliberation; and no invective or aspersion which the right hon. gentleman could throw out should divert him from that sort of behaviour he had already pursued; he could only act as his own judgment directed him. This direction, he trusted, would not lead him into any very palpable mistake; and while he retained a confidence of this kind, it was in vain to expect he would be the dupe of any other.

The right hon. gentleman, in saying they did not possess the requisites of a legal administration, was wrong, as they certainly had every formality which belonged to them as the servants of the public. These epithets, so well calculated to throw an odium on them, were therefore improperly applied; for whatever the right hon. gentleman might think of a majority, he would not allow that, in every case, a majority was to prescribe what in such and such circumstances it was proper for ministry to do. He did not believe there was a power in the House of Commons for the control of the prerogative. He rather thought every branch of the legislature was instituted to secure the legal and constitutional exercise of the other. He hoped, therefore, that it would never be contended, that the sovereign, in creating peers, or choosing his ministers, must first ask leave of the House. The right hon. gentleman had said, too, that there was now no government in the country: an allegation to which he would give an open and avowed negative. What! Were ministers of no use but to attend their duty in parliament? Was there no official

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business to transact of a public and national description without the walls of the House of Commons? And whether these measures or schemes which depended on the assistance and concurrence of parliament, were or were not suspended, undoubtedly other matters, however inferior they might be thought, came under their inspection and control.

He wished, however, the right hon. gentleman would speak out. If his Majesty's ministers were as criminal as he would insinuate, there were only two ways of rendering them amenable to their country—by criminating their conduct, or turning them out of place or power. Why does not the right hon. gentleman come boldly forward, and do one or other of these? The charge of disturbing the tranquillity of the country, or impeding public business, he considered as invidious and groundless. This he might retort, but he would not adopt the language of recrimination. The throne was still as accessible as ever, and would still listen to the voice of reason and necessity. But it was as futile as it was improper to be coming down from time to time to the House, sounding the minds of gentlemen, and exciting them to opposition against a ministry whom they had it so much in their power to remove. It would be more manly as well as candid, to come at once to some specific charge, and decide the fate of a ministry thus obnoxious and uncomplying.

As for his own part, he regarded all threatenings of that sort with great indifference. The right hon. gentleman had undoubtedly exerted his utmost to paint his conduct in the worst light; but still he was willing to stand forth in his own vindication. Nothing could be imputed to him for which he had any reason to be ashamed. His heart, his principles, his hands were pure: and while he enjoyed the conscious satisfaction of his own mind, no language of the right hon. gentleman, no clamour, no artifice of party, no unfounded imputations, should affect him. He had already stated his conduct fairly and explicitly to the House. He trusted it was not necessary to repeat the same things over again. By these reasons he wished to abide, and he trusted the House would not dissent from him in presuming that the motives which he assigned for whatever might seem peculiar in his situation, were not frivolous, but satisfactory.

Lord *North* said, that the right hon. gentleman put words into Mr. Fox's mouth which he had not heard. His right hon. friend had only stated, that the reign of the right hon. gentleman would not meet the wishes of a majority in that House, and was most undoubtedly hostile to the inclination of the public in general. In asserting that there was no government, Mr. Fox never pretended to deny that there was a lord of the Treasury, a lord of the Admiralty; these were facts which all the world knew, and many regretted. But he meant to assert, that the constitutional object of those several institutions was annihilated. A government indeed there was, but it had no check; it wanted energy, it wanted confidence; it regarded not the control of parliament. It was without credit and without responsibility; its very existence depended on a violation of the privileges which distinguished the House of Commons. A majority of that House had already decided its fate, and sealed its perdition. He controverted the statement by Mr. Pitt of what belonged to a legal government, and said, that the present had few or none of those attributes, which, according to the constitution of a free country, constituted a legal authority. He was astonished that the minister would not retire without every degree of exertion which the House could put in action for that purpose. A change was demanded, and an address urged. Before parliament either adopted the one or the other, it was fit that the world should be apprized who called for an address, who challenged a charge, who rendered both necessary. But was the right hon. gentleman prepared to justify this strong and indispensable exertion, to his country, his own mind, or that House? What could he plead for himself against such an accusation? Did it originate with him or those who made it? Was the form of the constitution to be preserved or cherished at the expense of its spirit? An address must be attended with that effect which it was meant to produce. But was it not proper to take every precaution in the power of the House to avoid it? The language of such a measure could never be conciliating; and surely our differences were already wide enough. No new exceptions were necessary to augment or create antipathies. He therefore much approved of his right hon. friend's motion for adjournment. He was certain of his proceeding in every thing with manliness

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and decency. He knew his sensibilities to be strong; but these were under the control of a sound mind and an incorruptible heart.

Earl *Nugent* said, that he, for one, did not believe that a majority of that House were ready to subscribe to the administration of a dictator, and to receive again into the public service the author of the East India Bill. To the right hon. gentleman, personally, he had no objection; he thought his talents were of a commanding and superior nature; that his genius was profound and inexhaustible; his mind firm and adventurous. He would go farther; he was ready to say, that in such a moment as the present, the country stood in need of such a minister. We could not go on in the beaten path; we could not be saved by the common quality of measures; we wanted the activity of such a man as the right hon. gentleman; but he wished to see him only making the part of an administration, not monopolizing the power. His aid, his assistance, would give vigour and energy to any system; but the constitution of this country would not admit that the sole and dictatorial power should be vested in one man. It was therefore his opinion, that the majority of that House were not prepared to see the right hon. gentleman rise in his air-balloon, and elevate himself over the constitutional heads of the state. A great deal of clamour had been set up against secret advisers, and the secret influence of the crown: he did not believe that those who excited the clamour, believed that there was any such thing as the dangerous influence of secret advice. It had been the incessant clamour of the present reign; it began when the earl of Bute left his office; then it was, that the idea of secret advisers was first started, and of a dark influence behind the throne. Indeed, in the administration of sir Robert Walpole, it was the cry of parliament that there was an influence; that royal favour ran all in one direction, by one set of men possessing the ear of the crown: but with men of sense all this clamour availed nothing; it was perfectly understood; and men knew that it was the mere expedient of party. It was now asserted, with a very high tone, that a noble earl had no right to go into the closet of the King to give his Majesty advice, although that noble earl was by his rank and fortune set in so distinguished a place in the country, and though he was so deeply involved in its interests. It was the clear and indisputable right of every citizen to give advice to his Majesty when he was called upon to do so; and he must be allowed to say, that the noble earl, by his high rank and fortune, was much better entitled to give advice to the crown than those who possessed not the same pretensions, and who at least had not the same reasons for exerting themselves in the deliverance of their country. God forbid, he said, that he should presume to search into the hearts and motives of men! He wished to speak of them only from appearances; and on this ground, he said, that judging between the noble earl who had been arraigned for giving advice to his Majesty, and those who arraigned him, appearances were in favour of the noble earl; appearances were in favour of him who had a great stake in the country, rather than of those who had much to hope for and little to lose. When he spoke in this manner, he must not be understood to infer, that the right hon. gentleman opposite to him was not connected with men of large property and of great influence in the country; he certainly was so; and no man in this kingdom was, he believed, so powerfully and so generally supported; at the same time, it would not be too much for him to say, that it might be convenient for the right hon. gentleman, as well as for many of his friends, to come into office again. He vowed to God that he was not his enemy. He vowed to God at the same time that he was not connected with the right hon. gentleman who was now at the head of the Treasury. He was connected with no man, or set of men; nor did he think either the two right hon. gentlemen, or any two men in the kingdom, of sufficient importance, as that the peace, the order, the practice of the constitution, should be sacrificed to them; he vowed to God he did not. In regard to the friendships of the one party and the other, he stood aloof from all; he had long witnessed the turbulence of party, and he had determined to keep himself for the future perfectly detached from men, and attached only to measures. He spoke of the late resolution of the House against the present ministry, as a measure not warranted nor wise. It was unjustifiable in every point of view, and he trusted it would be soon rescinded. He trusted the House would see that they had come to that resolution hastily, rashly, and without foundation. He, perhaps, would himself move, that it should be rescinded,

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were it not that his health prevented him from that regular dischage of his duty which he was used to do: he trusted, however, it would be rescinded, for he did not scruple to say it was disgraceful to the House.

Mr. *Fox* begged leave to remark on a few assertions which had fallen from the noble lord. The noble lord had complained that he had employed improper influence in affairs of state; and had affirmed, that he had not a better right to tender his advice to majesty on the great political concerns of the country, than a noble earl of distinguished rank, and of considerable fortune. These assertions were false; and when the House called the noble lord to order, on his expressing them, it acted in every respect agreeable to its own forms and its own dignity. Did the noble lord recollect, that at the period when the advice to which he had alluded was given by the noble earl, when that secret influence had been employed which had interested the attention, and drawn down the indignation of the House, he was acting as the responsible minister of the crown, the authorized adviser of majesty; and as such, had he not an official title superior to the noble earl, or to any other person, to advise his Majesty on the great national concerns of this realm? He was confident that there was no person who attended to these circumstances but would admit their truth, and allow that the conduct of the noble earl to whom reference had been made, was an encroachment on the privileges, and a direct invasion of the rights of ministers. The noble lord had rested much on the extensive fortune of the noble earl who had employed his influence with majesty. He had spoken of this circumstance as conveying a superior title to that of any other person, not comprehended within the same description, to counsel the crown, and to mingle in the affairs of the country. He had expressed a distrust in the political integrity of men who had much to gain, and nothing to lose. This was a language to which he had not been unaccustomed; it was a language which was founded in no constitutional maxim, and which he had ever reprobated as unfriendly to that spirit of equality, and to that importance which every individual claimed, and was entitled to in this country. Did not the noble lord know, or was he so much blinded by the affluence of his fortune, or the distinction of his situation, as not to perceive, that it was not the men of the greatest estate who either possessed the greatest virtue, or were entitled to the greatest share of repute in the kingdom? He stood up for men of small property. He knew them to be as honest as men of affluence, and as subservient to the interests of the country. Was it not the collected property of such persons that constituted the greatness of the nation, abridged the power of the rich, and rescued them from the tyranny of affluent oppressors? Was there any ground, therefore, for the noble lord's affected degradation, or affected distrust of such characters? Such observations might be adapted to flatter the pride, or to give false consequence to the character of men of fortune; but they were surely founded in no rational principles, and were the arguments, not of a man of sense, but of a man of estate. Look at different countries, trace the sources of their affluence, and it will be found that these originate, not in the separate and detached fortunes of scattered individuals, but in the united and collected riches of less opulent subjects.

The noble lord had asked the House if they were prepared for the reception into office of a dictator, who had framed and patronized the India Bill? Did the noble lord recollect to whom he made that appeal? It was to the very House that had given it its sanction to that Bill. For his own part, he should always rejoice in the flattering reception it had given to that Bill. Its principles he had defended. They had met with the approbation of the House; a circumstance as honourable to him, as the rejection of another Bill, framed on a different ground, was disrespectful to its author. To assert, therefore, that any demerit was imputable to him on this account, was insulting the sentiments, and arraigning the decisions of the House. It was an assertion grounded in prejudice, unsupported by argument, and unfounded in common sense.

He himself was no dictator, nor did the party to which he had attached himself, and of whose coincidence of sentiment with that of his own he was proud to boast, assume the air or the character of dictators. He had never renounced his allegiance to that House. He had never stood forth, in opposition to its decisions, the avowed and unconstitutional advocate of royal prerogative. He had never called himself the minister of the crown; he had

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always acted agreeably to the decisions of the House, and the interest of his constituents. If such was the conduct of a dictator, if such were the sentiments of a dictator, he was bold to acknowledge them, and to avow that he gloried in them.

Much had been said of the subordinate appointments of that administration with which he had the honour and the happiness to be connected. He was convinced that merit had, on this point, ever been the rule of decision. He therefore challenged and dared inquiry on this ground, and would even hazard his reputation on the decision of this question.

The noble lord had affected a disrespect for the late resolutions of the House, respecting the present administration. These he had treated in a manner not altogether becoming the character of a member of the House. These resolutions, however, he thought himself bound to believe well-founded, till such time as they were rescinded, or appeared to him to rest on false grounds. The noble lord had expressed a hope, that they would soon be rescinded. He wished to meet the noble lord on this ground. He hoped he would make a motion for this purpose at a subsequent meeting, not far distant. He wished, therefore, to rescue himself, his friends, and the House, from the false imputations of the noble lord. His character and his principles he had never laboured to conceal; with respect to them he challenged inquiry. He was conscious of his own integrity, and confirmed in the consciousness of the rectitude of his own conduct by the repeated resolutions of the House. He had never assumed the character of a dictator. He had never appeared as the mean candidate of popular approbation. He had never stood forth the unconstitutional champion of prerogative. He had never attempted to destroy the equality and importance of individuals by trying them by their property; nor had he ever asserted, that the great and opulent were the only persons that merited the attention of the sovereign, or respect from the legislative or executive administration of the country. These were charges from which he was exempt, and which he hoped would never be laid at his door.

The motion of adjournment was agreed to.

Charges of Bribery against the late Ministry voted groundless.] The entries of the 14th instant being read,

Mr. *Yorke* rose, and informed the House, that he had received a letter from Mr. Hamilton, in which that gentleman declared, upon his honour, that with respect to the offer said to be made by him to his nephew Mr. Dalrymple, of a place of 500*l.* a year, he had no authority whatever from the duke of Portland, or any of his colleagues late in office; and that he had mentioned the subject to his nephew, merely to put an end to a tedious and warm conversation on political matters. The letter also contained assurances from Mr. Hamilton of his readiness to obey the order of the House, but prayed that the time might be enlarged one week more.

Mr. *Dundas* reminded the House, that he had foretold that the matter would turn out a mere joke, and that he had been of opinion, from the beginning of the affair, that the noble duke's character did not stand in need of any vindication.

While Mr. Dundas was speaking, the House, by their cries of 'hear, hear!' encouraged him to move that the order be discharged. Mr. Yorke seconded the motion. The order was then discharged. After this, the earl of Surrey rose, and moved, "That the charge brought by Mr. Yorke and Mr. Dalrymple be read;" which having been done, his lordship moved, "That it appears to this House, that the charges contained in the said information, respecting the duke of Portland and the late administration, were groundless." The resolution passed without a division.

*Debate on Mr. Grosvenor's Motion for an efficient, extended, and united Administration.**] Feb. 2. Mr. *Grosvenor* rose

* On the 26th of January, a meeting of such members of the House of Commons as were anxious to promote a coalition of parties met at the St. Alban's Tavern. Their numbers amounted to near seventy; and an Address was immediately agreed to, and signed, and ordered to be presented by a committee of their body to the duke of Portland and Mr. Pitt. The Address was expressed in the following terms: "We, whose names are hereunto signed, members of the House of Commons, being fully persuaded that the united efforts of those in whose integrity, abilities, and constitutional principles we have reason to confide, can alone rescue the country from its present distracted state, do join in most humbly entreating them to communicate with each other on the arduous situation of public affairs; trusting that, by a liberal and unreserved intercourse between them, every impediment may be removed to a cordial co-

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as soon as the ordinary business of the day was concluded. His rising was attended by a dead silence in the House, as the motion which he was about to make had been formed by the country gentlemen who had held different meetings at the St. Alban's Tavern, for the purpose of effecting a union of the different parties that then divided the attention and confidence of parliament. He said, that as nothing could tend more effectually to destroy the country than intestine divisions, so nothing could tend more effectually to retrieve the credit of the nation, and render her respectable in the eyes of Europe, and formidable to her enemies, than a union of all the able and great men in the kingdom, and a coalition on a broad basis, of all the contending parties which at that moment divided the House. To effect such a union, had been the object of many respectable country gentlemen, who, wishing to avert the dangers that might well be apprehended from the divisions which had of late prevailed, had met several times, in order to devise means to bring about so desirable an end. Several of them had separately recommended union in the House; but the recommendation of individuals had hitherto been without effect. It was the wish, therefore, of the gentlemen to whom he had alluded, that a resolution should be offered to the House, which, if it should be adopted, would of course have that weight which did not attend a recommendation from any number of individuals, in their separate and private capacities. A motion to that effect had been drawn up, which he shewed to many gentlemen; and he was happy to say there was not one who saw it, who did not declare it gave him perfect satisfaction, and hoped that it would now meet with the concurrence of the whole House. He concluded by moving, "That it is the opinion of this House, that the present arduous and critical situation of public affairs requires the exertion of a firm, efficient, extended, united administration, entitled to the confidence of the people, and such as may have a tendency to put an end to the unfortunate divisions and distractions of this country."

Captain *James Luttrell* seconded the motion. He had declined for some years attending party questions founded on private ambition; but was happy to join with independent men, whose object was the public good. The parliament met in vain to raise the public credit of the nation, or give laws to the East Indies, unless a strong, extended, and united administration could be formed; he wished, therefore, to see the ablest men in the nation joined upon public principles. How could a government regulate the affairs of India, when by the time one system of regulation arrived in that distant part of the empire, the very reverse might be supposed on its passage out; for the administrations must become a succession of contradictions, if the violent opponents were to change sides every six months. Both parties he conceived too strong for either to govern the kingdom; and public credit must sink every day more and more, till government was strong enough to carry on with vigour the business of the nation. Europe was, in his opinion, still pursuing a system of maritime power, to humble the consequence of Great Britain, and finally deprive her of all her foreign dependencies; but we must have peace at home, before our government would have leisure to look abroad. He recommended that we should have always an equal force in the East Indies with foreign powers during the peace, lest the Dutch should return the compliment we paid them at St. Eustatia, or France imitate that mode of commencing a war with us. He observed, that the honour of parliament and the honour of the nation being inseparable, no etiquette ought to stand in the way of union; and he conceived, that if the present Chancellor of the Exchequer was intended to have that office in the new administration, as had been rumoured, he

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operation of great and respectable characters, acting on the same public principles, and entitled to the support of independent and disinterested men." In answer to this Address, both parties expressed themselves desirous of complying with the wishes of so respectable a meeting; but the duke of Portland conceived that he could not have any interview with Mr. Pitt, for the purpose of union, so long as the latter held his situation as prime minister, in defiance of the resolutions of the House of Commons. On the other hand, Mr. Pitt declined resigning, either actually or virtually, as a preliminary to negociation. In order to co-operate with and assist the exertions of the meeting at the St. Albans, Mr. Thomas Grosvenor, the chairman of that meeting, this day made the above motion in the House of Commons. For an account of the proceedings of the meeting at the St. Alban's Tavern, see Annual Register for 1784-5, p. 265.

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did not see it necessary to move him from his office by resignation, because he could not be appointed by more constitutional hands than the sovereign, whose clear prerogative it was to appoint his ministers. In our present disputes and quarrels, he really thought we must appear to all the world a nation of geese, rather than a nation of foxes.

Sir *George Cornwall* desired to caution the House against considering the speech of the hon. gentleman who seconded the motion, as containing the sentiments of the meeting where the motion had been first proposed and thought expedient to be made in the House. That meeting had not argued in the manner in which the hon. gentleman had delivered himself. The hon. gentleman had declared himself to be a fair, independent, and impartial man: he did not doubt in the least, that he was the character he declared he was; but he could not help saying, he wished his speech had been as fair and impartial as the hon. gentleman had professed himself.

Captain *James Luttrell* said, he certainly had not spoken the sentiments of the respectable meeting alluded to, nor affected to have spoken those sentiments. It might be very proper for the chairman of that meeting to have declared what the sentiments of that meeting were, but it would have not only been improper, but highly indecent for him, a private individual, to have taken such a liberty.

Sir *Edward Astley* paid a handsome compliment to Mr. Luttrell, who, he said, had proved himself no less able in that House than he had done at sea. He then observed, that having been prevented by the badness of the weather from attending his duty sooner since the holidays, he had not given a vote for any of those resolutions which had been since so much the subject of public conversation: when he read them, he felt unspeakable concern, because he saw that in the great struggle of contending parties, the public service must necessarily suffer. He had often given his opinion of the coalition, which had carried those resolutions through the House; and he had often exposed himself to be well trimmed and cut up, as the phrase was, for having ventured to condemn it: and, indeed, it would in general be imprudent, in so poor a speaker as he was, to provoke the wit and satire of the able speakers over against him; but when there was a question of his country's good, he would disregard what they could say to him, and would freely deliver his opinion. He was sorry he had not been able to attend the meeting of that description of gentlemen to which he belonged, the country gentlemen; but if he had, he certainly would not concur with them in the resolution now under consideration. The country had already suffered greatly by the coalition, the very name of which actually stunk in the nation; and therefore he would not vote for another coalition, which should bring back again into power those very men whom he had been so happy to see driven from it. Consistently, therefore, with his former principles, with his opposition to the American war, with his opposition to those who carried it on and supported it, and with his abhorrence of the idea of giving them any countenance, he would not bind himself to countenance any proposition which would tend to bring again into power those very persons.

Mr. *Powys* lamented that his hon. friend should oppose a resolution which he was in hopes would have met a pretty general, if not unanimous, concurrence of the House. Whatever might be his hon. friend's opinion of the coalition, which, by-the-bye, he himself had not very well digested as yet, the question was not now, whether that coalition ought or ought not to have been formed; it was now in existence; it was formidable from its numbers, and from the abilities of those who composed it; and it was supported by a majority of the House. But this was not all: the House had thought proper to go so far as to declare it had no confidence in the present administration; and whether from good motives, or bad motives, or no motives at all, the House not only passed this declaration, but also adhered to it. It was impossible, therefore, that the present ministers could carry on the business of the nation; and consequently, while such a declaration existed, they could not remain ministers. His hon. friend must be therefore convinced, that a general coalition was now become a matter of necessity, not of choice; and that a man could not oppose it, without voting, in effect, that the business of the nation should stand still, to the utter ruin of all our affairs.

Mr. *Martin* said, the hon. gentleman who spoke last but one, had so well expressed his sentiments on the present question, that he would barely say, that

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he most heartily concurred with him in every thing he had said.

Sir *Cecil Wray* opposed the motion. He thought he could not, consistently with his duty, give a vote which might contribute to recal to the cabinet those very men, who, for the daring attack made by them on the rights and property of their fellow citizens, had been so very properly dismissed by his Majesty, some of whom ought to have been brought to the scaffold. Exclusive of this general objection to the restoration of the late ministers, he had a particular objection to the motion then before the House: it stated, that there were divisions and distractions among the people. He wished somebody would prove, or at least attempt to prove that assertion: for his part, he did not believe one word of it; he believed the people were nearly all of one opinion relative to the men who at present advised the crown, and those who had been lately dismissed. He believed that the former were generally esteemed by the people to be a wise, honest, and virtuous set of men; while the latter were looked upon as persons who had been deservedly driven from power, because they had attempted to abuse it, for the purpose of raising a new and unconstitutional power in the state, and invading the most sacred rights of the people. There was scarcely a second opinion on this subject without doors. The House had declared, that it had no confidence in the present ministers; but the addresses which poured in from different parts of the kingdom shewed that the people placed the highest confidence in them; and consequently these addresses proved, that the voice of the House of Commons was no longer the voice of the people of England. He wished most devoutly, that by way of trial on whom the confidence of the nation rested, the members had been sent back to their constituents by a dissolution: he was sure it would then have been found that the present, and not the late ministry, possessed the confidence of the nation; and then the present advisers of the crown would have been able to free themselves from the shackles forged for them by the framers of the late resolutions which had passed the House.

Sir *Peter Burrell* expressed his astonishment that the present ministers should have given so much trouble to the House, after the explicit declaration that it had no confidence in them. One might have imagined that such a declaration would have produced a proper effect, and made the ministers retire, when they found they could no longer expect to carry on the business of the nation in a House which placed no confidence in them. Were the resolutions of the House to remain a dead letter? Were they to stand solely as a monument of the disgrace of that House, and of its impotent folly in having passed resolutions which it was not able to enforce? The dignity of the House called for farther proceedings; its honour was deeply engaged; and it could not now recede, without surrendering its own consequence, dignity, and honour; and without betraying the most essential rights of those whom they represented, and to support whose weight and influence in this constitution was one great part of their public duty.

Governor *Johnstone* said, that this appeal to the honour of the House had heretofore produced the worst of consequences; and he was apprehensive, that a mistaken notion of honour might plunge the House into difficulties and contests, which every honest man ought to prevent as far as lay in his power. It was this idea of false honour which set the House of Commons at variance with their constituents on the great question of the Middlesex election, and involved it in a contest, which ended by no means to the honour of that House; for the attempts which were renewed every year, notwithstanding the disheartening circumstance of repeated defeats, for rescinding the resolution on that question, succeeded at last, and the resolution was expunged; so that the Journals now bore witness that the Commons had actually spoken a language different from that of the people. And what made them speak such a language? A false idea of dignity and honour, which operated like a charm on the minds of men, and set them at variance with the people. It was an appeal also to the honour of the House, which procured support for the American war; gentlemen having once voted for it, were called upon to act with consistency, and not betray the honour of the House, which stood committed, as it was argued, by the first vote that was given on that great and important question. This appeal to the honour of the House might, in the present instance, involve it in the most disagreeable consequences; and therefore he begged gentlemen would consider, not

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that they had given such or such a vote already, but whether adherence to that vote would be found prejudicial or advantageous to the public.

Mr. *Fox* said, he adopted the motion with the utmost readiness. He would not, however, consider it, or have it considered by the House, as including a sense which it did not bear, and with which those who acted with him could not agree. It was, in his apprehension, substantially the same with that which the public expected this day from the House. It went to all the points which gentlemen could wish, as it expressed a sentiment in which the public seemed not a little cordial, that the present situation of this country with respect to an administration, was, at least, not altogether satisfactory.

In such an idea, he doubted not, every one was ready to join. He did not, indeed, conceive how a different opinion could be entertained. At least, all those who contradicted this idea were, in his mind, bound to shew that all the House had been doing for some time back was radically and essentially wrong. Conceiving the proposition as thus stated, he would give it his firmest and most cordial support, which he begged the House would believe he would not do from any motives of accommodation whatever. The sense in which he understood it, as stated to the House, struck his mind as a complete approbation of all those steps which the conduct of ministry had imposed on them, and which they could not depart from till the ministry set them an example of relinquishing their situation. It gave decision to their proceedings, and proclaimed aloud that they were not content with those who at present filled the ostensible departments of state. And he would be glad to see the man who would give the negative to this proposition. What but this portentous discontent, could have proved such a bar to public business?

Under this notion of the resolution now moved, he felt it his duty to recal the attention of the House to a variety of topics, of which no man who revolved in his mind the dissentions which at present prevailed, could be wholly ignorant. These constituted the subject of every public and private circle in the kingdom, and very justly, seeing that they involved whatever was dear to men, either as individuals or members of one great society, which depended on the issue of the present dispute.

Gentlemen were not to learn that the weakness of any administration, in rendering it inefficient, must also render it a bad one to this country. For what was to be done without a parliament? How were public affairs to be carried on against the representatives of the people, not only without their concurrence, but in flat opposition to their desire? Thus circumstanced, the best man on earth would be inadequate to such a situation. The government of this country did not require ability or virtue singly or combined, nor any other personal qualities of the most popular description possible to conceive; but all these united were absolutely insignificant, without such an influence as would always carry the House along with it on every material and interesting question.

Why, then, did the House make it a point to remove the present servants of the crown? Not certainly from any personal motives or aversions, but solely because their retaining their situation on the grounds of an undue and unconstitutional influence, was an impediment to the progress of national business. This was an object on which the several resolutions of the House, concerning the awkward condition in which they stood, in regard to the executive power, undoubtedly were founded; and till these were done away, it was impossible any solid union, any form of union whatever, between the two sides of the House, could take place.

His opinion of such a union as had been desired, was no secret. He thanked God the personal sacrifices which he was or might be called to make, would prove no obstacle whatever. A punctilio between persons merely, was pitiful and absurd indeed, where so much was at stake; no man could expect any thing like a relinquishment of principle or honour; and these great and essential qualities secured, what had any man, who wished well to his country, which he would not renounce in her favour? Was it personal consequence or personal pride which could stand a moment in competition with duty? He, for one, detested the imputation. The present state of the country demanded a permanent administration, and where was the individual who did not think himself bound by every obligation which could attach the heart and affections of a man to his country, to mankind, to contribute all in his power in effecting this event?

He trusted at the same time it would,

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as it well deserved, be remembered, that they were not now settling any point of ceremony among persons. The punctilio which remained to be adjusted was, in fact, between the House and the servants or servant of the crown; and the question now to be decided was, whether his opinion, his authority, or that of the House was to prevail? Should he be able to support himself against a majority of the House, then the business of the public was at an end; or should his obstinacy and lingering in office weary those who had hitherto opposed him of doing their duty, and by that means secure him ultimately such a majority merely as might carry on the objects of parliamentary discussion, from that moment the constitution would be irrecoverably ruined. This great object stared every man of sense in the face. It was big with mischief, as terminating in a dissolution of that divine constitution which had already subsisted so long and so gloriously.

The prerogatives of the crown were mentioned by two hon. baronets, as not a little affected by the conduct of the House; and one of them had expressly declared, that so far as it interfered with that of the crown chusing its own ministers, he could not go with it. He was sorry it had so happened during this important debate, that the distinction which the constitution had established between a free and an absolute monarchy, had required so often to be stated. He declared, that the most consummate ruin would be the inevitable and immediate consequence of carrying any of those prerogatives which distinguished the respective estates of the constitution to excess. Were this House on all occasions to be constantly overawed by prerogative? Were the royal powers which the constitution vested in the crown intended to have such an operation? No man, he trusted, would hold such opinions; no man dared to hold such language in a free parliament.

Many were the prerogatives of the Commons; but who would affirm that these were intended to act in a manner opposite to, or inconsistent with the public welfare? It was precisely the same case in both. His Majesty had undoubtedly the power of choosing his own ministers, and the House of Commons of assigning the supplies. But, were the one to take into his service any men, or set of men, most desirable to the royal inclination, without any regard to how such an appointment might operate on the public, might not the House, with the same propriety, withhold the purse of the people? Both extremes ought to be avoided, because equally injurious to public welfare and that constitution which depends on the tendency of all its separate and combined virtues to this one great and substantial object.

This he stated only to shew how carefully the several powers of the constitution were guarded against that proneness to abuse or prostitution which still adhered to all executive governments; and we were undoubtedly taught by it this important lesson, that the crown was endowed with no faculty whatever of a private nature; that all its functions were instituted for public benefit; and that whenever they were otherwise employed, the constitution and the country were essentially affected.

But why had this House so much interest in the choice of ministers? And why were all the operations of the constitution endowed with this public tendency? The reason, which to his mind was perfectly satisfactory, was, that as the business of the public was only so many actions of confidence and trust, the minister was consequently under the necessity of possessing their good opinion in a very eminent degree, in order to be qualified for guiding an active and vigorous government.

In voting for the army extraordinaries, in voting especially for the navy, and in voting for a variety of other things, he considered the House as voting literally, and in every sense of the word, so much credit. How then was the minister, who opposed a majority of the House, to possess this influence? How could he command these things, which must, however, be done, and without which there could be no government, no constitution, not even the vestiges of what we had always been—a people not less illustrious for our liberty than for our greatness? While, therefore, the duty of a minister consisted in coalescing with a majority in parliament, and in bowing to their decision, it was madness to think of existing a moment in such a capacity without that necessary and constitutional support. It was here they were to look for a sanction to all their measures, where they might expect an assistance equal to the exigency, and where they would always find an asylum from those who disliked and wished to destroy them. This would give them dignity and weight, and second all

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their exertions. But without this, no sort of influence, whether personal or relative, would do them any credit, or bring them any solid sanction. His worthy colleague had referred to the people; and another gentleman had stated it as hard, that for the sake of mere punctilio, the House should be obliged to address his Majesty to change his ministers, or the people to displace one who possessed their confidence.

He thought it was but fair that the matter should be stated correctly to the House. It was a good argument to say the people of England were not represented sufficiently, when that was the subject before the House, as it then had its natural influence, and answered the purpose for which it was intended. It was an unfair, and not a true mode of reasoning, to say, that this House was not a full representation of the people, therefore its authority was of no weight in the constitution. Did not this give the crown such a manifest advantage in the constitution as put it in imminent danger? Might he not say, since, by your own confession, the people are not represented, the House of Commons must be insignificant and useless: the business of the country can better, more expeditiously, and with greater unanimity, be carried on without it?

In that case, where were the people of this country to look for relief or find protection? Not, certainly, in the House of Lords. For, however that part of the legislature operated, no man would say it ever could be of any consequence as one of the great barriers of freedom. The only constitutional asylum of genuine liberty, he knew, even in this land of liberty, was the House of Commons, where the people of England assembled by their delegates, and claimed a weight in the government, which they did in no other kingdom in the world. He wished gentlemen, therefore, would beware of extending their wishes for a reform of the representation any farther than was just. That the House was, in its present constitution, but an imperfect representation of the Commons of England, no man was more ready to own, and no man would go farther lengths than he would in accomplishing a reform in that very material particular. But it was improperly applied to the present question; for it went to annihilate that system of representation which it would be dangerous to do before there was a better in its room.

The hon. baronet, too, had appealed, for the sense of the people, to the variety of addresses which were manufacturing, probably for the purpose of flattering the present administration. These, at least, were conjured up in such a manner, made their appearance in such a questionable shape, and owed their existence to such means, that, in his opinion, they might well damn a very strong, but could never prove any very solid support to a weak and tottering administration. He could only speak of those places of the country which he knew; and many of these were certainly not the least respectable in the kingdom. But in these all was hitherto sullen silence: no one more patriotic than others had yet, in a variety of the most capital counties in the kingdom, come forward, and urged this most acceptable measure. In Middlesex his worthy colleague would own there did not seem any very active propensity for a measure thus courtly and desirable. The artifices used so near at hand were no inexpressive specimens of those which, being at a greater distance from the scene of action, could be the more perfectly accomplished, without that ridicule and contempt which were the certain concomitants of detection.

He had also heard of an address in the city of Westminster, which undoubtedly was one of the most curious and singular that ever was carried any where, or by any individuals, of any description. This would, to be sure, flourish, as well as another of the same sort, in a Gazette; but he believed his own colleague, fond as he seemed to be of such a mode of collecting the opinion of the people, would not like to join the party who should present such an address at St. James's. He, for his own part, was astonished that any ministry or party could be so eager to retain their situation, or so solicitous for a confidence they had forfeited, as to think that the good sense of the people of England were to be thus abused. To imagine that practices of this description would conciliate the good opinion of the public, was, in fact, treating them with indignity and insult. A device so shallow and barefaced was enough to ruin the best cause; and were it even to be adopted by the best men, would also ruin them: he trusted the people of this country would not rashly take their opinion from a medium so grossly and palpably partial. Indeed, there was at present no other legal way

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of learning what the general voice was, but the sense of the House; and by that, till another, a better, and a more decisive one took place, they were bound by the constitution, strictly, firmly, literally, and uniformly to abide.

Here, then, was the great obstacle to that desirable union which so respectable a body of individuals in that House had so much at heart. The right hon. gentleman, for no reason he has deigned to give, will consent to resign a situation, which it were treachery to the House, to the public, to the constitution, to admit. The resolutions of the House were opposed to him as the minister of the crown. Whether, therefore, are these to be supported in opposition to the minister, or the minister in opposition to these? Would such a competition bear a question in this House? He does hold his head high enough, but the dignity of the House must not yield to him, nor to any individual whatever. What reasons has he once condescended to produce for his strange unprecedented conduct? Can he imagine that this House are to credit his bare assertions, in flat opposition to the most decisive circumstances? Might it not be expected that any one in such a situation would be glad to afford the House every satisfaction in their power? Has he, in any case whatever, signified the least inclination of this kind? And what construction less than a direct insult to the dignity of parliament, not to mention the feelings of individuals, can such a demeanour bear?

But the right hon. gentleman, with the most provident attention to those affairs which his peculiar obstinacy so essentially mars and deranges, must see the probability of a firm and efficient administration before he gave way to the wishes of the people. This very odd kind of a reason was easily accounted for from his official relation to the learned gentleman (Mr. Dundas) who sits with him on the same bench. He, for one, would not easily forget the language of that learned gentleman on an occasion similar to the present in one sense, though extremely dissimilar in another. When his noble friend in the blue ribbon had been urged to retire from office, the learned gentleman, who will always resist such arguments against his own party with all his ability, was anxious to know among the candidates then for office, who were most qualified to succeed; and this he urged as a reason for the former ministry keeping their situations, that those who had, as he thought, an eye to their places, were not in unison among themselves. But how did the right hon. gentleman turn that argument? Why, said he, are those on this side of the House to be catechised, because you on that are inadequate to your situation? An answer which, if good then, must be good still. Then, with what propriety could this be assigned as the ground on which the minister keeps his place, since it might have been much more appositely urged when he assumed it? Those whom he succeeded made use of no such language: they knew their duty was obedience, and they submitted. But surely, if there can be any force in the reasoning, it was then much stronger than now. What probability had the right hon. gentleman to erect a solid and permanent ministry against those who possessed a majority of this House, of so decided and complete a kind as has hardly been exemplified in our times?

He would not, therefore, say how far the precedent might go. He would not use the indecent language of calling any individual in that House a dictator. He trusted parliament would ever prove equal to its own protection, especially against the ambition of its own members. But he was not a little apprehensive, that this enormous power might one day be assumed by the crown. For where was the independence or freedom of the House, when once a ministry was admitted over whom they had no check? This, in his mind, was a state of insignificance, beneath which they could not be degraded; and he did trust they would not now suffer any thing whatever to have this fatal effect on the House and the constitution. At the same time, though he was sincerely of opinion the right hon. gentleman meant nothing unconstitutional in his own favour, his conduct went immediately to put the crown in the situation of dictator to that House: it deprived them of that control over every branch of the executive power which they were meant by the constitution to have.

The motion now before the House aimed at a broad and extensive union of parties. The very respectable gentlemen with whom it originated, had this in contemplation when they agreed to put it to a vote. He had stated what struck him as some of the most apparently insurmountable obstacles which still stood in the way of this desirable event. For his part, he

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had no objections to the men, but to the mode in which they had come into power. This was the fatal precedent which this House could not get over, and which he, for one, would not by any means, or on any consideration whatever, give way to.

It had been said by the hon. gentleman who seconded the motion, that neither of the two leaders who divided the House could defend themselves without the other. This statement of the fact he begged leave to dispute. Whatever their relative situation might now be, while the constitution had continued uninfringed, a more complete and flattering majority had never accompanied any administration. He would consequently beg that the relative strength of the parties might not be stated in their present unequal situations. The fair and only just way of comparing them was, by attending to those majorities which they commanded in a similar situation; and here the comparison palpably halted. This, however, he did not mention as any hindrance on his part to what was so much the wish of the House. He never had at any time of his life dealt in general proscription. It had always been a maxim of his, that when the cause of animosity ceased, there should be an end of animosity. It was on this great principle he had coalesced with his noble friend. He held it unmanly and unjust in an extreme degree, to insist on proscription without retrospection; to condemn any man, and yet refuse him a fair trial. Those gentlemen were consequently consistent with themselves, who, while they condemned the coalition, were still for calling his noble friend to an account. This reasoning would sufficiently evince how well prepared he was even for a coalescence with those, whose present unconstitutional situation he could not but censure. Many who now held offices under the crown, might still hold them in a manner more honourable to themselves, as well as more beneficial to the public. Among these, the right hon. gentleman would always occupy a capital department with every administration to whom he could attach his talents and exertions.

Here the great hinge of the business rested. Find some expedient to annihilate this difficulty, and he doubted not every lesser one would give way. There were, however, several of these, which some gentlemen on both sides might consider as not easily to be got over. Their notions on India affairs were not identically the same, and that influence by which they had seized the reins of government must be understood, with a variety of other collateral points, which could only be discussed subsequent to the resignation of ministers. Gentlemen must not therefore expect, that in giving way to the union proposed, he could yield those things which would either dishonour him or the House. He had gone as far on this delicate subject as he possibly could go, and he hoped no man would urge him to go farther.

Surely the House could never forget that the present contest was not against men, but ministers unconstitutionally called into office. It was this systematic influence of an undue tendency that he had ever struggled against, and which he would continue to struggle against while he had a seat in that House. He was surprised not a little that the right hon. gentleman, in opposition to a principle so plain and constitutional, should continue as he did to bid defiance to that majority in parliament by which their decisions were regulated, and without which no minister had ever presumed to look the House of Commons in the face. What could be his object? Did he imagine that his own arm would bring salvation to an empire thus reduced by a principle to which the behaviour of the right hon. gentleman was so strong a confirmation? Could any one doubt that his noble friend would have been still in office but for his resolution to discountenance every appearance of that influence which was so perfectly unknown to the constitution? It was a dark, but powerful one, so occult in its operations, and yet so forcible at the same time, that no individual could ever be a match for it.

Surely, if this pernicious evil was ever to be redressed by an individual, the right hon. gentleman's noble father was equal to the task. He at least had more popularity, more talents, more success, than any other minister this country ever had; and he would undoubtedly have done much, but for one imperfection, which Mr. Fox said he had always deemed his greatest. He trusted too much to his own superior abilities, which, transcendant as they were, were completely overcome at last by that secret influence which had since done so much mischief.

For his part, he was sincerely disposed to the same object. It had ever, and he hoped ever would have, his cordial abhorrence. But he would never go on the

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quixote errand or forlorn hope of thinking his single exertions equal to a task so enormous. This had determined him to unite with all the forces he could muster together, and the event proved how proper his precautions had been, and at the same time how ineffectual. This object while it continued in full force, rendered all the efforts of the House, towards any reformation in the constitution, nugatory and abortive: and it mattered not much who were in or who were out, while the system continued so perfect, unbroken, and connected throughout. It was this baneful system which had proved so prolific of calamity to this country; and to oppose such a system with effect, the House could not depart from the spirit it had assumed. Was it possible, after considering these things fairly and deliberately, to account for the obstinacy of the minister? What motive could prevail with him thus to tantalise the public, and insult that constitution which constituted our greatest excellence and glory? By what topics could the secret advisers of his Majesty blind at once the minds of master and servant? How was it possible for them to find any thing like reason in their persuasions and importunities on a point so obvious and notorious? Did they presume to tell the minister that he would depart from his dignity by acceding to the wishes of the House? Could he believe that such an idea would correspond with the sentiments of the right hon. gentleman, he should not think so highly of him as he did. Where was the condescension in yielding his own judgment to theirs, in preferring the collected wisdom of the House to his own understanding? In his mind, this would be paying that deference to parliament, which, instead of letting him down, would raise him in the opinion of all who had any solid regard for the constitution.

Was it, then, a lessening of Majesty to suppose his choice in this instance to have proved thus abortive? O foolish advisers of their King! exclaimed Mr. Fox. He whose only and most glorious throne is in the hearts of a loyal and grateful people, to be thus at variance with their representatives does your advice peculiar credit! Ye would honour him with the foulest dishonour that ever can happen to a sovereign! We would make him respected all over the world; we would make him a blessing to his subjects; we would make his reign happy to himself, and happy to all who are interested in his prosperity; we would make him the glorious and patriotic monarch of a contented and pacific nation. But your counsels are the direct opposite of all this. How do you exhibit him all over Europe? Not as possessing the cordiality of his subjects, or in friendship and amity with this House, but as squabbling and contending against those on whom he depends, from whom his supplies originate, and without whom his prerogatives are insignificant and useless.

These things he had thus stated, that the conduct of the House might not be misconstrued and coloured so as to abuse the public, and give an appearance to their actions contrary to the truth; for it was now as evident as language could make it, that it was not a contest between parties, or between any description of men, but between that House and some individuals who had thought themselves, from what motives nobody knew, in a condition to despise its resolutions and its censures. This was no private, no sinister contention, at least on one side, but an open one, in which the minister and the constitution were parties. It could, therefore, be no question with those who were firm friends of the one, whether they ought to be connected with the other or not. The constitution and secret influence were at odds, and the decision could not be very distant. He, for one, had exerted himself ever since he came into public life against that secret influence; and he would continue his utmost efforts for the utter annihilation of what had ever struck him as the greatest curse to which this country was subjected.

The way to power by this strange channel was totally inconsistent with the liberal genius of that freedom which had ever been the glory of Englishmen. On this system, what was a minister in the British House of Commons but a counsel for the crown, against the interest and inclination of the people, whose power in the scale of the constitution being thus annihilated, their representatives were the merest cyphers, and could only have permission to sit in that House while a shadow of their concurrence was necessary to the demands of the crown? They would then find the measure of their insignificance complete; and the constitution, for which their ancestors fought and bled so gloriously, would perish by those very men whom they delegated to be its guardians.

It was, therefore, in his opinion, impossible to recur too often to the great

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and only principle at issue. He was consequently prepared for the present motion, and could foresee that the gentlemen on the other side would oppose it only on the ground of its not coming home to their ideas of influence, of its not affording them any covert for their preposterous conduct. He protested, however, that it was known to him before he came into the House, and that he most cordially and sincerely adopted it, from the fullest conviction that it came up to all the ideas of the independent part of the House on the subject.

Sir *Cecil Wray* said, that the petition from Westminster had not been surreptitiously obtained; that notice had been given of the meeting where it was first proposed; and that it was sent up to the throne with the signatures of 4,000 electors of that city, many of whom were as responsible men as any in Westminster.

Mr. *Pitt* said, that he intended to agree with the right hon. gentleman over-against him, in giving his hearty assent to the motion before the House; but it was rather a gloomy presage of that union so strongly encouraged, that the very first time he happened to agree with him, it was upon grounds and for reasons the most opposite. He agreed, that in the present critical situation of affairs, a firm, efficient, extended and united administration was absolutely necessary; but, then, the union must be formed upon principle and upon honour; and any union which should be proposed, that he should find inconsistent with principle and with honour, he would most certainly oppose. As to the sense of the people of England, with respect to the late proceedings in parliament and the change of ministers, it would not, perhaps, be decent for him to say as much as might be said upon that subject; but thus much he might venture to say, that he was perfectly satisfied in his own mind, that the sense of the people was in favour of the present ministers. He would not, however, notwithstanding this general opinion of the people, agree with an hon. baronet, that there was no distractions in the country; for whoever considered the state in which that House had been for some time past, and the consequent suspension of all public business, must agree that there were distractions in the country. With regard to a resignation before a treaty for a union should take place, he said he would repeat what he had so often said before, that he foresaw the greatest evils to the nation, if his Majesty's present ministers should give up their employments; and he made no difficulty in saying, that neither his principles nor his feelings inclined him to resign under such circumstances: but still, so little was he attached to office, that if he could see a prospect of a strong and well-connected government ready to succeed him, he would cheerfully retire, without feeling the least desire to form a part of such a government; how paltry would it then be in him to resign now, for the sole purpose of treating about returning back to office.

Mr. *Byng* rose to justify his conduct relative to the Middlesex Address, declaring that the meeting had not been called by any friends of his, and that the place of meeting (the Shepherd and Shepherdess), had been appointed by one sheriff only. When the meeting assembled, the attendance of freeholders was so numerous, that complaint was made that there was not room enough. The address voted at that meeting was voluntarily voted; but he reminded Mr. Pitt, that it did not appear in the London Gazette immediately, as the addresses of a different tendency had appeared; nor was it inserted until he had written to the right hon. gentleman a special letter, requesting that it might be published, Mr. Byng said, the Westminster address had been surreptitiously obtained. It was true, that the India Bill of his right hon. friend had been unpopular, because it had been misrepresented and misunderstood: that Bill, he admitted also, had drawn much odium on the late administration; but when the right hon. gentleman's Bill over the way came before the public, and was compared with that of his right hon. friend, the odium was transferred entirely to the Bill of the right hon. gentleman, which was allowed to be by far the most objectionable. Mr. Byng professed great respect and deference for his constituents, declaring, whenever he knew what their sentiments were upon any great question, he would either implicitly obey them, or retire from their service; and this resolution, he said, they well knew: his seat, therefore, in that House, was held on a more precarious tenure than that of any other gentleman.

Lord *North* began with declaring, from the best authority, that the name and sanction of the dean of Westminster had been made use of without his cognizance. This fact ascertained, his lordship proceeded to reply to Mr. Pitt's arguments,

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most of which he answered. Speaking of the addresses, he said, that the lowest burgesses of Taunton, of Southampton, and of other boroughs, could not be supposed to be competent to judge of such subjects as the India Bill, and therefore, though the voice of the people without doors ought to have its due degree of weight, it was not to be relied on in a case of that kind, or put in comparison with the judgment of that House, which had spent three whole years in the most minute investigation of India affairs. He spoke of the laudable efforts of the meeting at the St. Alban's tavern in terms of warm eulogium; and contrasted the conduct of the duke of Portland and Mr. Pitt towards that meeting, in order to shew that a peer had evinced a stronger inclination to comply with the wishes of the House than one of its own members.

Mr. *Hammet* stated his idea of the prerogative of the crown to appoint ministers, and contended, that whoever the King thought proper to entrust with the management of his government, ought to have a fair trial; that, he said, was not the case with the present ministers. He would support men for their measures; but would never support bad measures for the sake of any man whatever. In any other view but the good of his country, it was indifferent to him who was in or who was out of office. He said, he was the first man who had expressed his wish for a union of the great abilities and virtues which adorned that House for the good of the nation; that an honourable and worthy baronet, the member for Oxford, had that day done him the honour to agree with him in sentiment; since which the same idea had been taken up by the most able and independent men in the House, and he sincerely wished that their laudable endeavours might be crowned with success. He said, if the right hon. gentleman (Mr. Fox) possessed sound judgment, prudence and moderation, in addition to his other wonderful and shining abilities, he would be more than human; he wished that he would now give a proof of it, by moving himself for the resolutions alluded to to be rescinded, for he felt the House in a strange predicament: he was certain that the opinions of the House differed from the opinions of their constituents, and that Mr. Pitt possessed at this moment the confidence and affection of the people at large, in as eminent a degree as any minister had ever done.

Mr. *Rolle* hoped the House would agree to the question. At another meeting, different constructions had been put on it; in this debate, he must give his reasons for assenting to it. He had no views of removing the Chancellor of the Exchequer, nor was it the intention of the meeting; their object was to soften a former resolution, in order to remove the difficulty alleged, to pave the way for conferences between the contending leaders, to obtain a union on the basis of principle and honour, so much to be desired and wished for by all. Instead of thinking to remove the right hon. gentleman, he wished to support him; as he believed he had the hearts and wishes of the people with him.

The question was put, and carried without a negative.

Debate on Mr. Coke's Motion against the Continuance of the present Ministers in their Offices.] As soon as Mr. Grosvenor's motion had been agreed to,

Mr. *Coke* (of Norfolk) rose, and in a short speech observed, that his honourable colleague and himself used formerly to think alike, and to act upon the same principles. He was sorry that they did not continue to act so now, and that his worthy colleague still entertained so determined a dislike of the coalition. He had, for his part, supported that measure, because he thought it calculated for the public good; and he now supported those who formed the coalition, from a conviction that their endeavours were laudably aimed at the furtherance of the public welfare. Mr. Coke concluded with moving, "That it is the opinion of this House, that the continuance of the present ministers in their offices is an obstacle to the formation of such an administration as may enjoy the confidence of this House, and tend to put an end to the unfortunate divisions and distractions of the country."

Mr. *Minchin* seconded this motion.

Sir *Joseph Mawbey* opposed it. He spoke chiefly on the subject of Lord North's conduct as a minister; but there was so much coughing while sir Joseph was upon his legs, that his argument could not be heard.

Mr. *Hammet* recommended the hon. gentleman to withdraw the motion, and to move to rescind the resolution already on the Journals, as he thought both the one and the other would prevent that union which seemed to be the wish of all. He

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said, the very idea of its being likely to take place had raised the public credit.

Mr. *Dundas* desired to know, before he stated the few observations which he meant to offer to the House, what the motion was to be followed up with, not imagining that it was intended to let it remain a dead letter on their Journals.

Mr. *Fox* did not think it necessary for the discussion of the present question, that it should be stated what was to be the next question moved upon it. If the House should adopt it, it would then remain open, either for his hon. friend who had moved it, or for any other person, to ground any motion he might think proper upon it.

Mr. *Dundas* said, that a refusal to answer his question was just the same to him as giving him the most ample answer. Since the right hon. gentleman therefore did not choose to satisfy the House what was his intention with respect to the present question, if carried, he should consider it as an address, or as a matter by some means or other to be carried up to the foot of the throne. Having laid down this position, he begged the attention of the House to a few remarks upon the subject; and first, he said, he was ready to subscribe to the doctrine, that the House had a right to advise his Majesty as to the appointment or removal of ministers, in as ample a manner as any person could desire him. Nothing could be more clearly constitutional, nor could any thing be more certain, than that if the crown or the other branch of the legislature attempted to encroach on the rights of the people, the people could only look up to that House for protection. These things being admitted, it behoved that House to make a discreet exercise of its power at all times, lest they should provoke the people to go to the foot of the throne, and implore the crown to interfere and rescue them from the tyranny of that House. No man, he believed, could lay his hand to his heart and say, that the present ministers had not the confidence of the people; that they had, it was pretty evident, from the number of addresses that had already been carried in from different parts of the kingdom, thanking his Majesty for having removed the late ministers and appointed the present: and more addresses of a similar nature, he had no doubt, would soon come from other counties and cities, and from all parts of the kingdom. Now, though he was firmly persuaded, that constitutionally the voice of the people could only be collected through the medium of their representatives, yet it was pretty evident, that the present ministry had the public confidence in a very eminent and honourable degree. Ought that House, therefore, under such circumstances, to run before the addresses to which he had alluded, and precipitately to vote a resolution which a very short time might prove to be directly contrary to the opinion of their constituents? The right hon. gentleman must know this; or why was he in such a hurry that day to vote what he had not ventured to propose, from the day that the resolution passed till that moment?—He warned the House from incurring the risk of irritating their constituents, by coming speedily and without due consideration to a motion which they might hereafter wish had never been adopted. It is, said he, the spirit and constitution of the government of this country, that the people must look up to this House for the defence and regulation of their privileges. This is a doctrine which I have always understood to be sound, and which, as such, I have uniformly supported. It is the duty of this House to act on this system; but in doing so, ought they not to attend to the voice of their constituents, not merely as expressed within, but also without these walls? Is it not in such manner that members can best discharge their duty to their constituents and to the public? It is in this way only that they can most effectually guard the privileges of the community, and prevent those distrusts which arise in the minds of the constituent body of this country? Is it not, therefore, proper for the House to examine in this view the sentiment of the public, before it adopts a motion so opposite to general opinion? How could members answer to their constituents for prosecuting a different line of conduct? Would not their acting otherwise be declaring war against those who made them? And how dangerous and fruitless would the execution of such a scheme prove both to themselves and the public.—A House of Commons may prevail against the other House of Parliament; a House of Commons may prevail against the crown and the prerogative; but in no instance can it promise itself success when it is in open contest with the people. In such circumstances, then, is it safe for this House to levy war on the public, by reprobating a ministry who possess

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the general esteem? Would not the adoption of such a measure convey this idea to the nation at large—that there existed a combination against them amongst their representatives, and that they wished to arrogate to themselves powers hostile to their privileges and interests? What would be the consequence of such apprehensions? All confidence in the dignity, the honour, and the justice of the House would be forfeited, and mankind would pass the door of it, not with sentiments of veneration and respect, but with expressive marks of derision and contempt.—But waving all these considerations, there is still another point which strikes me, and which I am convinced must strike every one who compares the present with the former motion. It is the object of the former motion to promote a unity of parties and a unity of administration. But does not the motion on the table tend directly to defeat these ends? How can my right hon. friend (Mr. Pitt), being disgraced by a resolution which must eventually compel him to relinquish his situation, unite himself afterwards to men who have driven him from them by such acts of indelicacy and violence? It has always been the intention and wish of my right hon. friend to promote measures of harmony and unanimity. These, however, the present proposition has an evident tendency to destroy, and instead of attaching, to alienate him from men, ambitious to establish themselves on grounds independent of him and his friends. The motion, therefore, I consider as hostile to that scheme of union which it was the intention of the former to erect, and is cutting down with one breath, what has already been set up by another.—Much has been said of the mode of removing ministers, and of the pretences under which such measures have been conducted; but in the effectuating of them, has it not always been alleged, that these ministers were unpopular? I refer to the history of parliament on this ground, and I defy any person to point me out an instance where such a measure has been pursued and accomplished on or under a different pretext. But how does this principle apply to the case of the present administration? Surely in no respect. The ministry, now the objects of removal, are confided in, loved, and caressed by the people. There is no society of a hundred persons in the country, out of which ninety-nine are not their firm and avowed friends. In what a dilemma, then, must an address for the dismission of such favourites of the people place the sovereign? And must not the difficulties of the monarch be heightened on this subject, by the addresses which have been carried to the throne in their favour, as there are no grounds nor any shadow of argument employed by the House against them? I hope, therefore, that members who have voted for the last motion, will see an obvious contradiction in it to the present; that they will consider it as unfriendly to the principles of unanimity, and find it impossible to give it their concurrence on these grounds.

Mr. *Fox* was happy to find that the learned gentleman who spoke last, had of late become so attentive to the sentiments of his constituents, and of the elective body of this kingdom. Time was when he had asserted that the voice of the people was no where to be heard but within those walls; and that was the period when the table was loaded with petitions to the House from all parts of the kingdom. It was at this time that the learned gentleman had insulted the dignity of his constituents and of the nation, by asserting the dignity and the independence of the House of Commons. Now a different mode of reasoning suits him better, and he has adopted it. But where is that popularity of the present administration on which the noble lord rests? Upon what evidences does it stand? If this point is so fixed, why are not the proofs of it more obvious and decided? Why do not gentlemen call meetings, muster the friends and partizans of ministry, and carry their addresses to the throne? Till this is done, till the fact is proved, I for one will question its truth.

But though the popularity of the present administration is not ascertained, yet I will not hesitate to affirm, that there is an intention in ministers to establish themselves on a foundation unfriendly to the constitutional privileges of this House. They court the affection of the people, and on this foundation they wish to support themselves in opposition to the repeated resolutions of this House. Is not this declaring themselves independent of parliament? Is not this separating the House of Commons from its constituents, annihilating our importance, and avowedly erecting a monarchy on the basis of an affected popularity, independent of and uncontrolable by parliament? Such a scheme I can view under no other aspect

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but as a system of the basest tyranny, and calculated to accomplish the ruin of the liberties of the country. Such a system of despotism is, indeed, the most likely to originate in men who carry on their schemes by the machinations of dark intrigue, of men who have stabbed the constitution by means of a secret influence in one department of government, and are now prepared to perpetrate similar assassinations, by methods of the basest corruption, in another. I hope, however, that members will attend to these designs of ministers, masked under the most dangerous and imposing appearances, and that they will rescue the country from the hands of those who are only distinguished by the dirtiness of their political intrigue, and their violations of the privileges of the House. I hope that such ministers will finally see the danger of their situation, and that this House will no longer suffer itself to be insulted by its own moderation.

The learned gentleman has declaimed on a topic often touched on, namely, that there is no charge against the present administration. But has not the House condemned them on a ground which is decided, which they have not had the effrontery to deny? If this accusation is not true, why do not gentlemen come forward and disown it? In such situations silence is surely the most damning part of guilt, and better than a thousand witnesses. The learned gentleman wishes to deter members from voting on the present occasion, who have voted for the adoption of the last resolution of the House. He asserts, that the present motion has a tendency to destroy unanimity, and to prevent a junction of parties. But does he reflect, that by refusing to listen to its calls, ministers more effectually frustrate the intentions and the desires of parliament? They defy the decisions of the House; and it is they, and they alone, who open those breaches which at present prevent the union that is so ardently desired. Whilst a motion, therefore, of the nature of that on the table is absolutely expedient, I wish that the world may know who the persons are who have rendered it necessary.

The proposition before the House is no abstract maxim, separate from its former resolutions. It is, on the contrary, connected with, and is a consequence of them. Those, therefore, who have voted for the one, are bound and engaged to vote for the other; and those who separate their assent to the one, after having given their concurrence to the other, sell and betray the dignity, the honour, and the reputation of the House. It is a maxim in all well-regulated governments, that a period should be put as soon as possible to civil distractions. But how are the distractions of the present times to be remedied? A middle way of accommodation has been desired. I know of no middle way of accommodation but this, that ministers descend from their situation, that they resign their offices, and cease any longer to defy the maxims of their ancestors, and insult the dignity of the House. I wish, however, at a crisis of so much consequence, when the reputation of the House and the interest of the country is at stake, that no rash measure may be adopted, that we may pause over every step in our procedure, and that we may adopt, with proper solemnity, those measures which must finally restore the insulted honour of the House. A good deal has been said respecting the prerogative of Majesty to choose its ministers. The same observation is, however, applicable to this exertion of privilege as to every other of a similar nature. The crown has an exclusive right to make peace or war; but though it is invested with this privilege, would it be safe to exercise it without consulting parliament? I am sure it would not; I am equally satisfied that the prerogative in the election of ministers in opposition to the House of Commons, is a measure as unsafe, as unwarranted, and as unjustifiable. Reasons have been alleged by the right hon. gentleman over the way for his retention of place. These pretences, however, I must consider as nugatory and trifling. The right hon. gentleman asks if this motion is to followed by an Address? This question I will answer by asking another, viz. What will be the consequences of the present resolution on the right hon. gentleman's conduct? The sacrifice which the House requires of the right hon. gentleman is not so humiliating as what he demands of the House. He complains of the distraction and anarchy which prevail in the country; but let me ask him, Who is the cause of these calamities? Can an administration act with vigour without the confidence of the House? Is not his obstinacy, then, in retaining his place, in defiance of parliament, the cause of those evils of which he so pathetically complains? Attacks have been made on my popularity.

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My invasion of chartered rights has been held up as a stalking horse to the public. I have been charged with ambition. But on what grounds have these accusations been established? Have I ever set myself in defiance to this House? Have I ever sought power through the means of base corruption, or dark intrigue? No; my ambition has ever raised me above such modes of preferment. I have never sacrificed my principles to popularity, or ambition. I have ever acted openly and fairly. I would rather be rejected, reprobated, and proscribed; I would rather be an outcast of men in power, and the follower of the most insignificant minority, than prostitute myself into the character of a mean tool of secret influence. I call, therefore, on the country gentlemen to stand aloof from a ministry who have established themselves in power by means so unconstitutional and destructive.

Mr. *Powys* said, at that late hour he would not attempt to follow the right hon. gentleman through the wide field of argument he had gone over. The right hon. gentleman had, during the debate, stood upon advantageous ground, and it was peculiarly difficult for any man, if he were inclined to object to it, to meet the question fairly; because every step he trod, he was in danger of flying in the face of the orders and authority of the House. The right hon. gentleman had a right to remind them of the resolutions already passed, and to call upon them to support the present motion, by appeals to their passions, their pride, and their honour. The part he had acted with regard to the several resolutions the House had lately voted, was well known. He had done every thing in his power to prevent their passing; and he hoped he should not be out of order in saying, that, in his opinion, the several resolutions in question were hastily proposed; that they were grounded on doubtful and unauthenticated premises, and that they held out unfair conclusions. This indisputably was his opinion; but still the resolutions were upon the Journals; the right hon. gentleman was therefore warranted in referring to them, and he might say to every man who opposed the motion,

"Till thou canst rail the seal from off my bond,
Thou but offend'st thy lungs to speak so loud."

This being the case, it was more than ordinarily difficult to speak to the question then under consideration. He thought it hard to condemn a minister untried. The right honourable gentleman opposite to him had produced but two measures; one of them, the disposal of a lucrative sinecure office for life, he had taken the liberty to mention in that House some short time ago, and it had been since much commented upon. He had described it as he felt it to be—noble, disinterested, and genuine. Various commentators had, however, put various constructions upon it: by some it had been termed artful and hypocritical, by others unavoidable, and by others again, a mere act of indispensable duty to the public. He still retained his original opinion of it. The other measure of the right hon. gentleman, was, his having been weak enough to abandon the idea of a dissolution of parliament, and thus neglected to provide a security for his own situation as a minister. This, Mr. Powys said, was clearly a second measure; and that he thought not a little in favour of the right hon. gentleman, since a considerable part of the strength that the country now called upon him to unite with, was clearly not of a permanent nature, but would, upon a dissolution, have been no longer in existence. After descanting upon this, and pointing out the particular difficulty into which things were brought by the resolutions that House had come to, Mr. Powys declared, he had nevertheless no difficulty in saying, notwithstanding the high opinion he entertained of the integrity and abilities of the right hon. gentleman opposite, and the great respect he bore him personally, that he thought the resolutions ought not to remain on the Journals of the House, and the present administration continue in office. Either the resolutions should be rescinded, or the administration should resign. At the same time he owned the delicacy of the situation of the right hon. gentleman: he certainly had a right to preserve his honour, and he did not wish to see him quit the fortress in which he was at present, and come with a servile humility to deliver the keys of it to its besieger. The right hon. gentleman could not be expected to agree to march out with a halter about his neck. He desired not that he should undergo any disgrace. The right hon. gentleman had not deserved it. Mr. Powys enlarged upon this, and said, the right hon. gentleman below him had, in one instance, submitted the most material of the resolutions to a calm and dispassionate revision and discussion; and

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in his speech that day, he had declared, with singular candour and fairness, that he had no objection to having them reconsidered again and again. The right hon. gentleman had even said, he cared not how often. If, therefore, the right hon. gentleman opposite to him would move the previous question, with a view to have the resolutions, already come to, reconsidered, on a motion for their being rescinded, he would vote with him. If not, thinking as he did, that those resolutions and the present administration ought not to exist together, much as his opinion was adverse to the resolutions, and obvious as the pains had been which he had taken to prevent their passing, he should think the House could not negative the present motion.

Mr. *Pitt* answered Mr. Fox, and endeavoured to convince Mr. Powys, that consistency required that he should vote against the question then under consideration. He said, though he certainly should be glad to have the resolutions already upon the Journals reconsidered with a view to their being rescinded, he could not content himself with moving the previous question upon the present motion, but thought himself bound to give it his direct negative. The right hon. gentleman opposite to him had talked of his having been insulted and provoked to warm language by the argument of his hon. and learned friend; how much more reason had he to feel himself insulted and provoked, not only by what had passed that day, but on several former days, in which resolutions, personal to himself, had been moved. His learned friend's argument that day, as his argument always was, had appeared to him by no means calculated to provoke ill humour or indignation; but, on the contrary, was a plain, direct, and as he felt it, a convincing argument of the impropriety of the House coming to any such motion as that before them, with a view to enforce the effect of the motion the House had that day voted nearly unanimously. He had himself, during the whole series of extraordinary debates that had lately taken place, endeavoured to avoid being caught by the violence of their proceedings, and had preserved as calm and governed a temper as the nature of the case would admit of. Had he not done so, the circumstances that had occurred would have justified him. The House had been led on insidiously, and step by step as it were, from one resolution to another, without a fair discussion of any one of them on its own proper merits. The first resolutions, the House would recollect, had been passed at the unusual hour of six in the morning, and with little or no debate. The second in a manner grew out of the first, and that was immediately followed by a third. It was true, the substance of those resolutions were made the subject of discussion at a fitter time of the day afterwards; a circumstance in which he felt considerable satisfaction, and had at the time expressed himself gratified at it. But how had that question ever been debated? Not upon its own proper merits; so far from it, the right hon. gentleman opposite to him had desired the House to consider it as a corollary to the preceding resolutions, and had told them, that, as such, having voted the former resolutions, they were bound to vote that as a matter of course. Thus artfully had the House been kept from examining any one of the various questions that had been brought forward singly, but had been insidiously led on from one to another, without knowing whither they were to be led, or at what degree of violence they were to be permitted to stop. He begged them, however, to consider the present question as it really was, and to ask themselves, if it was at all likely to further the purpose of the motion that had been voted that day? For his part, so far from its having such tendency, he could consider it no otherwise than as an effectual bar to the union so much desired by the respectable and independent gentlemen, who had called for such a measure, and had exerted themselves in so laudable a manner to bring it about. The hon. gentleman who spoke last, had declared his disapprobation of the resolutions on the Journals; and had nevertheless said, unless the previous question was moved, he must vote for the present motion. This was a declaration which he could by no means reconcile. On the contrary, those who disapproved of the first resolutions, he thought, were, in consistency, bound to resist the conclusion, which the present tended to establish as the natural consequence arising from them. Having contended that the former resolutions were not founded in any facts that had been proved, nor in any charge that had been substantiated, he urged the bad effects that would result from voting the motion then under consideration.

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The hon. gentleman who spoke last, had talked of the fortress in which he was situated, and had declared, that he did not wish him to march out of it with a halter about his neck. The only fortress he knew of or ever desired to have a share in defending, was the fortress of the constitution. For that he would resist every attack, and every attempt to seduce him out of it that could be made. With what regard to personal honour or public principle could it be expected, that he should consent to march out of it with a halter about his neck, change his armour, and meanly beg to be re-admitted and considered as a volunteer in the army of the enemy? To put himself into such a predicament, and to trust to the foe to loosen and take off from his neck the halter that he was expected to march out with, was a degree of humiliation to which he never would condescend; and he spoke not merely for himself, but for much greater men, with whom he acted, and whose sentiments upon the subject he was persuaded he delivered distinctly. After speaking of this in a style of great eloquence, he said, wishing as he did to meet the desires of the respectable and independent gentlemen, by acceding to a union upon principle, he had done every thing in his power to facilitate such a measure. That the sacrifice of the sentiments of men of honour was no light matter, and when it was considered how much was to be given up in order to open a negociation for union, when it was considered what insulting attacks had been made and what clamours had been excited, he conceived some regard ought to be paid to his being willing to meet the wishes of those respectable individuals who had called for a union of parties. To accomplish that object was a matter greatly to be desired, and for that, and for that alone, was he ready to encounter the disagreeableness, that, after what had passed, must necessarily be supposed to be felt by him in acceding to the proposition. With regard, however, to the resignation of ministers, he saw no reason for it. If that House insisted upon their going out, there were two constitutional means open to them, either by impeachment to proceed against them for their crimes, if they had committed any, or by an immediate address to the crown to desire their removal. The removal of ministers lay with the crown, and not with that House; in remaining in office, therefore, with a view to keep the country from anarchy and confusion, and to prevent the government from falling a prey to that administration which had been removed, and suffering them to force themselves upon the sovereign against his will, was neither illegal nor unconstitutional. Mr. Pitt enlarged on these ideas, and repeated it, that the present administration not having resigned because they had not the support of that House, was by no means contrary to law or the constitution.

The House divided:

	Tellers.	
Yeas	Lord Maitland Mr. Byng	223
Noes	Mr. Steele Mr. Robert Smith	204

So it was resolved in the affirmative.

Feb. 3. Mr. *Coke*, of Norfolk, rose. He said, he was sorry that the motion which he had the honour to make last night had not as yet produced any effect; the honour and consequence of that House were both concerned, and called upon its members to take care that the resolutions of the House should not remain a dead letter. He then moved, That the two Resolutions which were passed last night should be read; which having been done, he moved, "That the said Resolutions be humbly laid before his Majesty by such members of this House as are of his Majesty's most honourable privy council."

Mr. *Welbore Ellis* seconded the motion.

Earl *Nugent* expressed his fears that the measures which gentlemen were now going to adopt, would prevent that union from which so much good might be expected. The united abilities of all parties would find enough to do to save this sinking nation; and therefore he should greatly lament if any hasty step should deprive the country of the abilities of any man who might be serviceable to it. The right hon. gentleman at the head of the Treasury had the most shining talents; and every one acknowledged the extraordinary abilities of the right hon. gentleman over the way, whom he sincerely wished to see in office: he was good-natured, condescending and affable; he was an agreeable and pliant companion, and so was Julius Cæsar; that great man also, like the right hon. gentleman, had great connexions; but when he went too far, they fell off from him and opposed him. Brutus was the friend of Cæsar; but Cæsar having gone so far as to make himself the

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enemy of his country, made Brutus his enemy. The right hon. gentleman was leading the House on from step to step, but where he would stop no one could so much as guess.

Mr. *Duncombe* said, he disapproved of the motion. It would have been a more manly way to address the crown at once, than to send up resolutions to it which seemed to be in their nature mandatory. He then launched out into a panegyric on Mr. Pitt, in whom he could find no fault; and he could not consent to apply to the King to dismiss a faultless minister.

Lord *Delaval* declared himself a friend to the motion: he courted not, he said, the smiles of any man, and he feared the frowns of no man. The constitution he believed had been in danger, but the spirit of that House had preserved it. It was folly to expect a ministry could stand when unsupported by the House of Commons; and it was equal folly in any set of men to expect support from that House, who owed their situations to means the most repugnant to every idea of the constitution. There was nothing in the motion which in the smallest degree affected the character of the right hon. gentleman over the way; it did not in any degree exclude him from a future arrangement. "Let him," said his lordship, "but quit the situation that he owes to means which this House condemns, let him then come in at the door fairly and openly in the face of the world, and not by dark passages and back stairs, and we will receive him with open arms."

Mr. *Wilberforce* said, if gentlemen called to their recollection the words of his right hon. friend the night before, they must know that now there was very little if any probability left of a general union. And how, he said, could it be expected, that, after such violence, men of character could ally themselves with persons of whom they did not think well, even though penetrated with the most sincere feeling that union was necessary to the deliverance of the country. He did not think that the present motion was more moderate than an address; in his mind it was less so: it was much stronger than an address, and more unpleasant: it wanted the humility and respect of an address, for it approached the throne in a way by which the crown could not answer, and by which they were prevented from hearing what might be the sentiments of his Majesty on the subject. He had not approved of the conduct of the opposite side of the House from the beginning. It had been divided into parts, with an intention secretly and blindly to commit the House, and to lead them on from measure to measure, because the leaders were perfectly acquainted that it was only by this means that they could have been brought on such ground to their present violent proceedings. He then ridiculed the coalition which had lately been formed, and said that those men had sacrificed every principle of honour. The one had been looked upon for years as the champion of the people; the other had unfortunately countenanced such measures as had been considered hostile to the happiness of this nation. Yet, what was very extraordinary, although these men had reviled each other for years, and vehemently condemned each other's principles, they had, to the astonishment of the whole world, sacrificed their principles; and the noble lord had given up every thing in order to be called by the right hon. gentleman, "my right hon. friend." The noble lord was much more respectable before his coalition with the right hon. gentleman, than since; for his principles were now open to detection; and of the two, the right hon. gentleman was undoubtedly the most popular and respectable. The noble lord had expressed his apprehension at the evil consequences of a dissolution of parliament. Indeed he might, for the noble lord at the commencement of this parliament had procured a very great majority, by the purchasing the rotten boroughs. This accounted for his lordship's parliamentary influence; therefore, gentlemen need not be astonished at the majority of the coalition. It was averred, that ministers had come into place by unconstitutional means. He wished to inquire into the truth of this assertion. What were the circumstances? A noble person was said to have given advice to his sovereign on a Bill passing through the upper House. This advice he gave without going in the dark, without taking any secret midnight opportunity of gaining the royal ear. He had done it publicly, and therefore, in his mind, fairly. There was nothing unconstitutional in this, for it was a matter perfectly understood, that his Majesty had, by the constitution, a number of hereditary counsellors, besides the particular persons who were, for the time being, his confidential servants. But it was said, that the royal word had been made use of to influence the votes of the bedchamber lords in the

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upper House against the India Bill. If this was true, he confessed he should consider this as an unconstitutional and most scandalous use of the royal name. Ministers had some right to consider the votes of the bedchamber lords as pledged to their measures; but was it exactly the fact that the India Bill was thrown out by the votes of the bedchamber lords? The majority against it, on the contrary, was nineteen, and all those who voted against that Bill were not surely to be charged with yielding obedience to the royal desire. But what had this to do with the appointment of the present ministers? If the India Bill had passed the Lords with as great a majority as it did the Commons, still he should have thanked the crown for dismissing the late ministers. They had, in his mind, shewn themselves unworthy the confidence of the country, and his Majesty had deserved the thanks of his people for dismissing a set of ministers capable of bringing into parliament such a Bill.

Lord *John Cavendish* was strenuous for the motion. He denied that the union so urged by a respectable body of country gentlemen could be expected to happen precisely as they wished; the differences to be adjusted were many and important. There seemed in the opinion of both parties something which they considered as sacred, and not on any consideration to be abandoned. He mentioned the coalition in terms of great approbation, and appealed to the grounds on which it took place, not as merely theoretical, but as fairly and openly reduced to practice. He was one of those who could not account for the conduct of the minister, in so flatly contradicting the opinion of the House, and treating their most earnest wishes with contumacy and insult. He hoped that the mode of the present proposition would meet the general approbation of the House. He was sure none, all things considered, could be more moderate, more respectful to the crown, as well as more becoming the dignity of the House; and whatever answer it might produce, though even attended with none of those effects which undoubtedly might be expected, still it would remain on the Journals a striking instance of their magnanimity, under circumstances singularly provoking and novel. He was very certain that the American war was originally the war of parliament. The voice of the people was also in the first instance in its favour. The miserable consequences only which attended its progress opened their eyes to its iniquity and the ruin which would assuredly mark its farther prosecution. This, he ventured to foretel, would have been the effect of the India Bill. Whatever murmuring might have attended its promulgation, the operations of such a plan would soon have produced the most popular impressions. It appeared to him one of those few measures which was singularly calculated to please the people of this country. They were fond of whatever asserted the general rights of humanity, and this was the character of that Bill in an eminent degree.

Lord *Mulgrave* reprobated the motion, as not calculated to produce the object to which it pointed, and for the attainment of which it seemed principally designed. At no period of our history were parties so equally divided. The comparison between the present ministers and their predecessors appeared to him unavoidable. The abilities on both sides the House were, in his mind, great, and hardly to be paralleled in any other age or nation on the face of the earth. But the salvation of the country required virtue as well as talents: and in this respect, he protested there could not be a question: it was obviously and strikingly in favour of his lordship's side of the House. The situation of Great Britain demanded such a ministry as could venture on measures adequate to our present relief. This required the confidence and the voice of the public. The right hon. gentleman over-against him, he doubted, was not that person. His intended plan of superinducing a new power in the constitution had, in his opinion, destroyed his credit with the public, and, in his opinion, very justly, for it went great and unwarrantable lengths. In enumerating these, his lordship mentioned his present Majesty, and declared, that the Bill which had been brought into that House by the right hon. gentleman, and the conduct of the House of Commons since, trampled the Brunswick line under foot.

Mr. *Fox* here called the noble lord to order. The name of majesty ought never to be used in the House to affect the debate one way or other.

Lord *Mulgrave* endeavoured to establish a distinction between mentioning the name of sovereign, as affected by the proceedings of the House, and affecting them. He then inveighed against Mr. Fox, and called him invader and plunderer.

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Mr. *Dempster* called his lordship to order, and appealed to his candour and good sense, whether his repeated asperities did not tend to widen instead of closing those dissentions which at present existed both within and without doors.

Mr. *Sheridan* said, the noble lord had laid down a principle some days ago, which prevented him from being surprised at any thing the noble lord should advance. He stated, that in the appointment of ministers the crown ought not to consider beforehand, whether they should be able to obtain the support of the House of Commons. It had frequently been said, that when there was a good understanding between the ministers of the crown and the House of Commons, there was ground for apprehending that they were under the influence of corruption; but at present the noble lord might rejoice, for there was not now the least room for apprehending that the House was in danger of being corrupted by keeping up too good an understanding with the ministers of the crown, who were now at open variance with the House. If the ministers and the House of Commons were closely united, the noble lord might possibly call their union adultery; but when the ministers and the House of Lords were united in the same bands, his lordship would probably call that union a legal marriage.

The right hon. gentleman at the head of his Majesty's councils had on a former day said, that he stood firm in the fortress of the constitution; but could any fortress be called the fortress of the constitution, which was not garrisoned by the House of Commons? They were the natural defenders of the fort. There might possibly be indeed a lieutenant-governor of the fort, who, though he did not mix in the battle, was not less the commander, though his orders were not publicly delivered. The House of Commons ought to inspect the works, and see that no sap was carrying on which might dismantle it. The present ministers were labouring to erect a fabric, that might shield them against every attack; but they were erecting it on ground that was already undermined: and however strong the pillars might be, however solid and firm the buttresses, however well turned the arches; yet, as the foundation must be weak when the ground was undermined, not only the building could not stand, but the very weight of it would only serve to precipitate its fall. Secret influence was what undermined the whole; it constituted a fourth estate in the constitution; for it did not belong to the King, it did not belong to the Lords, it did not belong to the Commons. The Lords disclaimed it, and the Commons found themselves thwarted by it in all their operations.

An hon. member had asked if the coalition of the right hon. gentleman (Mr. Fox) with the noble lord had not lessened the confidence of his friends in the former: he would endeavour to give as satisfactory an answer as he could to this question. When the idea of a coalition with the noble lord was first started, he confessed that he had advised his right hon. friend not to accept of it, and his reason was this:—his right hon. friend had great popularity, which he might lose by a coalition; respectable friends, whom he might disgust, and prejudices of the strongest nature to combat. He made no doubt but similar objections occurred to the friends of the noble lord, and that they were urged to him, in order to dissuade him from coalescing with his right hon. friend. Mutual diffidence between men long accustomed to oppose one another, might naturally be expected. The prejudices of the public all concurred to prevent this coalition. The middling class of people, for whom he had the highest respect, and to whom the House of Commons must look for support in every emergency, sooner than to the great, were not certainly the best qualified to judge of nice and refined points of politics: accustomed to judge of measures by men, he apprehended that they would give themselves no time to examine the principles, motives, and grounds of a coalition; but condemn it on its first appearance, merely because it was composed of men who had long been political enemies: on these grounds, full of apprehension for the character of his right hon. friend, he most certainly gave him his advice against a coalition. But when the necessities of the times at last pointed it out as the only means of salvation to this country, when from the opportunities he had had of seeing the noble lord and his friends, and proving the honour, fairness, openness, and steadiness of their conduct, not only he did not condemn the coalition, but he rejoiced that it had taken place in spite even of his own advice; diffidence soon gave way to the most perfect reliance on the honour of the noble lord, and on that

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of his friends, and their steady adherence to those principles which had been laid down as the basis of the coalition. It was unnecessary, therefore, after saying this, that he should tell the House his confidence in his right hon. friend had not felt the smallest diminution: fully acquainted with his character, he knew that he looked down with indifference, if not with contempt, on riches, places, and dignities, as things by no means necessary to his happiness: it was his right hon. friend's ambition to deserve and preserve the esteem and confidence of his friends; and he was sure that he would sacrifice neither, for all that place and emolument could bestow.

Having said so much in defence of the coalition, he could not help expressing his surprise that he heard so much about it from the other side of the House; and the more he looked at the Treasury-bench, the more his astonishment grew upon him; for there the gentlemen who were actually sitting upon it were divided into pairs, each of which was composed of a member who had supported the noble lord in the blue ribbon and of another who had opposed him. Those gentlemen might thus address each other: one might say, "I supported lord North through the whole of his adminstration, but left him at last, when I found he had formed a coalition with that abominable man Charles Fox." The other might reply, "And I joined Mr. Fox for many years in his opposition to government; till at last I found it necessary to abandon him, when he disgraced himself by a coalition with that abominable man lord North." If the state of the public credit and the funds should become the subject of discussion in that House, one of the members of the Treasury-bench might very probably say, "it was the accursed American war of lord North that brought this ruin upon our funds;" this would instantly call up his friend on the same bench, who would immediately reply, "no; the American war was a just and constitutional war; it was the opposition given to it by the rebel-encourager Charles Fox, who caused the failure of it; and this brought ruin on the country." Thus a treasury, formed on anti-coalition principles, was itself a chain of coalition: the grand coalition, which was the but of every man's invective, had begot other coalitions; but there was this difference between the parent and the offspring, that with the former all was harmony, concord, and union; while the latter retained the heterogeneous principles of their original opposition, which made them still a prey to discord and confusion. An hon. gentleman had said that the majority in the coalition was formed of persons who represented the rotten treasury boroughs, and who were brought in by the noble lord in the blue ribbon, when he was at the head of the Treasury: but that reproach was ill founded; for the coalition had been purged of such members, some of whom having spurned the hand that made them, and turned their backs on their friend and benefactor, had found a happy asylum in the bosom of administration. Mr. Sheridan observed, that if it was improper to interfere with the exercise of the prerogative, the House was to blame for having agreed to the resolution which passed yesterdy unanimously, which stated that a firm, efficient, extended, and united administration was necessary in the present state of affairs: for, supposing such an administration was now formed, what might not the advocates for the prerogative of the crown infer from it? Nothing could be more dangerous or more unconstitutional than such an administration; for being composed of all the heads of parties in both Houses, they would of course be supported by majorities in both; and then the King would have forced upon him an administration which he could not dismiss.

Mr. Bankes spoke against the motion, as did sir George Howard, who condemned all the resolutions that had been passed against the present ministry, because they were supported only on vague reports and idle rumours. Before he would consent that these resolutions should be laid before the King, he desired some fault might be alleged to have been committed by the right hon. gentleman; for it was contrary to every principle of justice that punishment should precede a trial.

Mr. *Rigby* replied, that it was by no means necessary that a fault should be alleged against the right hon. member; it was sufficient for his removal that he possessed not the confidence of that House. When a motion was made for an address to remove sir Robert Walpole, there was no crime or fault laid to his charge; and when he found that he had but a majority of one, he took the hint, and never after set his foot in the House of Commons. When a motion was made to resolve that the House had no farther confidence in the noble lord in the blue

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ribbon, there was no charge of crime or fault brought against him; and yet, though he negatived that motion by a majority of nine, he thought it prudent to retire. What could keep the right hon. gentleman in his situation, in defiance of the resolutions of that House, he knew not; but this he knew, that the consequence of the House must fall, or the right hon. gentleman must retire. It had been objected to the late ministers, that they had not been able to make a single peer; this was not an objection that could be made to the present ministers, who had already been pretty liberal of honours: and it was not a little singular, that of the four peers who had lately been created, three of them lived in a county where there were a great many of those places which are generally called rotten boroughs. These creations were not like those of queen Anne's reign, which were for the purpose of giving the minister a majority in the House of Lords; for the present ministers were already in possession of a majority there; but had taken place, in order that persons might be had who would do business in the House of Commons. Those who remembered how the duke of Northumberland gained his former honours, could not be surprised to see that noble duke, tottering under the weight of ribbons and coronets, still anxious to add to them the coronet of another barony. It had been often suggested that if this House should go on with resolutions, the House of Lords might come to counter-resolutions: they might so; but he trusted there was still too much sense in that House, to countenance any measure that might make a breach with this. If they did, however, the counter-resolutions would not prove the Commons in the wrong; and he hoped, that when they conceived themselves to be in the right, they would not be intimidated from the discharge of their duty by the proceedings of any other assembly.

Mr. Aubrey and lord Fielding spoke against the motion, as did governor Johnstone, who said that Mr. Fox's calling upon Mr. Pitt to resign before he would treat with him, put him in mind of the fable of the fox and the raven, in which the former said, "Monsieur Corbeau, come down from the high branch on which you are perched, and then we shall settle these matters."

The *Solicitor General* disclaimed any intention to be perverse, or to make use of any asperity; but, some few days ago, a gentleman on the other side of the House had used harsh and indecent language to his right hon. friend, and which might justify retaliation. He then called for the charge on which his right hon. friend was to be condemned; he defied his bitterest enemies to produce one that could affect his character. He concluded by moving an amendment to the motion, by adding these words: "Although, during a long examination of the state of the nation, no charge has been brought forward and proved against the present ministers, who have repeatedly, but in vain, called for the same."

Mr. *Powys* said, that looking upon the charge originally brought against the right hon. gentleman to be completed by the resolutions of the House, the House was, of course, bound by them; and could not properly bear that language, which said that no charge had been brought. A charge, and of a very serious nature, was certainly brought, and after various debates, resolutions were finally agreed to. He would, indeed, gladly have the business revised; but as long as it stood as it did at present, he must look upon it as completed. He still believed, that it had been intended that the prerogative should be set up in opposition to the rights and privileges of the House, and therefore he had voted on the opposite side to the right hon. gentleman (Mr. Pitt), to whom he was a sincere friend, but he was a still greater friend to the constitution.

The amendment was rejected without a division. The House then divided on the original question for laying the Resolutions passed last night before his Majesty; when there appeared

Tellers.

Yeas	Lord Maitland - - - - Mr. Byng - - - - -	211
Noes	Mr. Steele - - - - - Mr. Robert Smith - - -	187

Majority against ministers, 24.

Debate in the Lords on the Power of the Commons to suspend the Execution of Law, &c.] Feb. 4. The Earl of *Effingham*, in conformity to a previous notice, adverted to the situation of public affairs, in respect to the resolutions lately passed by the House of Commons. The noble earl thought them of such magnitude, that he deemed it necessary to bring forward his opinion on the subject. New powers, assumed by either branches of the legisla-

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ture, were dangerous innovations on the constitution of the country, and should, by every possible means, be stopped in their outset. He had read, with much care and attention, and with much regret, what passed lately in another House of Parliament; and he wished for, and he hoped he should be able to accomplish some means to stop a career of resolutions which he imagined might, if not checked, arrive at an uncontrolable length indeed. The prerogative of the crown, in one of its most essential privileges, the appointment of ministers, was attacked, and a kind of new power set up. The prerogative of the crown was a privilege in one branch of the legislature, which he hoped he should never see trampled upon. It was his desire to soften what he had to propose to the House, and to convey the sense of the motion he had to make. At the same time that he felt this to be unavoidable, and that their suffering them to pass, without coming to some resolution respecting them, would betray an unpardonable indifference on the part of their lordships with regard to the constitution, and perhaps endanger its existence, he was aware of the great necessity there was to avoid doing any thing rash, hasty, or violent, or that was at all likely to disturb the harmony that at present subsisted between the two Houses. He had, therefore, taken time to consider of what might be the step most proper to be adopted by their lordships on the occasion; and he flattered himself that what he should propose would not only be free from objection, but would meet with general concurrence. Before he read the motion that included the whole of what he meant to propose, he should first desire the clerk to read the Act of the 21st of George 3, which he did as follows:

"An Act for the establishing an agreement with the East India Company for the payment of 400,000*l.* for the use of the public, in full discharge of all claims on the Company until March 1, 1781, in respect to their territorial acquisitions and revenues," &c.—Sect. 26. "And be it farther enacted by the authority aforesaid, that during the continuance of this Act, it shall not be lawful for the said united Company, or their successors, or any of their officers or servants on their account, to accept or otherwise bind the said Company, or their successors, for the payment of any bills of exchange drawn by any of their officers or servants at any of their presidencies in the East Indies, for any sum exceeding the sum of 300,000*l.* exclusive of certificates, to the amount of 8,000*l.* to the commanders and officers of each of the Company's ships, in the space of any one year, without the consent and order first had and obtained of the commissioners of his Majesty's Treasury for the time being, or any three or more of them, or of the high treasurer for the time being, who are hereby respectively authorized to give such consent, or to make such order thereon, as they shall judge expedient; and every acceptance or engagement made contrary to the true meaning and interest of this Act, shall be null and void to all intents and purposes." The noble earl then desired that a resolution of the House of Lords, in the year 1704, might be read, which was in the following words: "Resolved, That it is unconstitutional, and contrary to law, for any one branch of the legislature to assume to itself a right of making any resolutions which should impede or put a stop to the executive power of government as by law established." He then desired the resolutions of the House of Commons to be read, which were as follows: "December 24, 1783. Resolved, That the commissioners of the Treasury ought not to give their consent to the acceptance of any bills drawn, or to be drawn, from India, until it shall be made appear to this House, that sufficient means can be provided for the payment of the same, when they respectively fall due, by a regular application of the clear effects of the Company, after discharging, in their regular course, the customs, and other sums due to the public, and the current demands upon the Company, or until this House shall otherwise direct."—"January 16, 1784. Resolved, (That it having been declared to be the opinion of this House, that, in the present situation of his Majesty's dominions, it is peculiarly necessary, that there should be an administration which has the confidence of this House, and the public; and that the appointment of his Majesty's present ministers were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House) the continuance of the present ministers, in trusts of the highest importance and responsibility, is contrary to constitutional principles, and injurious to the interests of his Majesty and his people."

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These were the resolutions, the noble lord said, to which he called their lordships attention. They were of a nature highly alarming; and the first in particular was so clearly an infringement of the constitution, that they should be wanting to themselves, to the dignity of the House, to the duty which they owed to their king and country, not to take signal notice of the fact. In wording his motion, however, he had been careful to avoid any expression which might lead to violence; and he trusted the House would see the propriety of going the length which he proposed, in order to put a stop, in the present stage, to a career which he could not view without the most anxious fears. He first meant to move, "That an attempt, in any one branch of the legislature, to suspend the execution of law, by separately assuming to itself the direction of a discretionary power, which, by an act of parliament, is vested in any body of men to be exercised as they shall judge expedient, is unconstitutional." As soon as this motion was disposed of, he intended to move a second proposition, in consequence of the second resolution of the House of Commons, regarding the exercise of the royal prerogative in the appointment of his ministers. Of this prerogative he had no doubt; and it ought to be the care of the House to preserve that prerogative as much as they would their own privileges. His second motion was, "That according to the known principles of this excellent constitution, the undoubted authority of appointing to the great offices of executive government is solely vested in his Majesty; and that this House has every reason to place the firmest reliance in his Majesty's wisdom, in the exercise of this prerogative." This proposition, if it was carried, he would follow with a motion for an address to the crown, grounded upon the resolution. He then entered into a warm eulogium of the present administration in general, respecting their upright and patriotic intentions to serve their country, and rescue the constitution from the unwarrantable attacks of a faction that had their own selfish views more at heart than the good of the state. He could with pleasure enter into the characters of several of those he then had the honour to call his colleagues; but many of them being present, constrained him to deny himself that satisfaction, lest he should give offence, but he had not the same restraint with respect to a right hon. friend of his, now worthily placed at the head of the administration. It was impossible for him to give any thing like an adequate idea of the transcendent virtues of that great man; he seemed formed by nature to fill, with honour to himself and profit to his country, the first offices in the state. He did not know which to prefer, the qualities of his head or heart: one singular instance of disinterestedness and public spirit he could not avoid taking notice of; circumstanced as he was, a younger brother, having only a slender fortune, and just come into administration, he might have taken to himself, or given to any of his friends or relations, after the example of others, above 3,000*l.* a year, which he nobly bestowed for the purpose of adding considerably to the civil list. As such a bright instance of public spirit spoke its own praise, it stood in no need of any farther remarks of his. The noble earl concluded with moving his first proposition.

Earl *Fitzwilliam* said, that in a moment like the present, it became their lordships to act with the moderation which ought to be the companion of dignity; and above all things they ought to avoid interferences which might inflame instead of conciliating the minds of men. The resolution of the 24th of December, appeared to him in a very different point of view from that in which it had struck the noble earl. He saw nothing alarming, nothing violent, nothing in it that ought to excite the jealousy of that House, or to provoke their interference. It was merely a piece of salutary advice, timely given to the lords of the Treasury, on a subject which it well became the House of Commons to attend to. The motion then under consideration consequently appeared to him wholly unnecessary, and likely to disturb the harmony between the two Houses. With regard to the right hon. gentleman now at the head of his Majesty's administration, he said, if his standing at the head of administration was to be made the ground of voting the present resolution, he must not only dissent from it on that consideration, but desire, likewise, not to have his name included in the list of those who were willing to subscribe to all that had been said in his favour. He considered the most general and fatal consequences as inseparable from the predicament to which the country was reduced. And for what reason was there all this distraction? He knew he should be understood in

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asserting, that the servants of the crown had no precedent for retaining their situation in the face of a majority of the House of Commons; that their mode of acquiring power was the only counterpart to their system of continuing it against the voice of that House and the public. Much as had been said about public confidence, his lordship doubted it extremely. It would, in his opinion, have been strange indeed, if the first commissioner of the Treasury had not still some share of popularity. He would take upon him to say, that those very circumstances which were most incompatible with his official situation, were at the same time calculated not a little to command a general suffrage. His youth, his inexperience, his predilection for court, and seclusion from those social circles where his equals in rank and fortune and years commonly resorted, were facts which always would have their weight in this country, and with all the world. But surely these, however valuable in an individual, and whatever applause they were calculated to excite, were not the qualities chiefly wanted in the first minister of a great state. What might create a very considerable reputation for a private gentleman under certain circumstances, would render this great officer's situation insignificant and ineffectual. What, then, had he yet done to give him a distinction so eminent and singular? Trace his whole political conduct from the beginning, and try it by this rule. Where were the great and meritorious things he had yet done, for which he had been so highly and strangely raised? His age, his parliamentary existence, said the noble earl, prevent our appealing to any thing achieved by him, which can give him any title to so eminent a distinction. What, then, has been his conduct in parliament? Was he eager, after turning lord North out of power, to come in under any description, and to do what he could to save a sinking state? No; it was beneath him to act in any subordinate situation whatever. Was not this a most decent exhibition of those qualities which the first departments in executive government inevitably call for, and without which no administration can succeed in this country? It is true, his opinions against the American war were decisive; but that question he found prepared to his hand. And though he refused to act officially with the ministry that followed, he was not idle. That war being annihilated, he determined to amuse them with some other topic of popularity. He knew what would please the bulk of the people. It is to them his conduct was originally directed; but its aspect has not been uniform. The innovation in the constitution, by which he hoped to raise, on the people of this country, a popular and commanding character, did not however succeed. It still remains as an exercise on which the candidates for the confidence and support of the people may conciliate and erect for themselves much good will. But how did he acquit himself in office? What mighty schemes of public utility do the public owe to his industry, his abilities, and his invention? He did not wish to conceal any thing which made for the right hon. gentleman. Now was the time to produce what he had done, what claims he had on the nation, and what he had done to retrieve her spirit, her credit, and her dignity. Would any of their lordships have the hardihood to appeal to the peace which had been so ignominiously obtained, and which had proved the greatest blot in the glory and honour of this kingdom? Surely not any of his most extravagant abettors would, therefore, send us, for a specimen of his virtues and abilities, where they have been so sparingly exhibited. The right hon. gentleman had been in office before now. That inglorious peace which he had achieved for this unfortunate country, parliament condemned and censured; and then it was seen what had been done in office. Could it be forgotten by their lordships in what a state of confusion his particular department was at that time left? What single plan of taxation, or finance, or reform, relating to any department of the state, did he produce during the few months he continued Chancellor of the Exchequer? What proofs were then made by him of a mind full of such resources as our exigencies required? What vestige of genius, of attention to our trade with the colonies or our connexions with foreign courts, of encouraging our manufacturers at home or assisting the extension of commerce abroad, were to be found in the office of the right hon. gentleman? One would have expected to have found, in the first minister of a great empire, other qualities than those of a doubtful or indeterminate merit.

There was, in his idea, such a trust connected with this important department, that it should be filled only by those not

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merely of the most splendid abilities, but also of the most active public virtues. It was not a place on which to make experiments. The tried, the eminent and illustrious candidates for so distinguished a post in the government of the empire, were so many, and so powerfully supported in their claims, that the nation was not obliged to accept the services of any one, of whose fitness there could be a doubt. But what had been the right hon. gentleman's conduct since? How had he acted in leaving the place to which, in his opinion, he had been thus prematurely raised? To whom were all the inconveniences of last year's interregnum, when the country continued for six weeks without any executive government whatever, ascribable? Had he not then discovered the same obstinate attachment to opinion in the face of parliament, which discriminated his present conduct? And in what manner did he come into his situation, from which he receded with so much reluctance? In the manner which had been uniformly adopted by all his predecessors in that exalted sphere of action? No, his mode of assuming power was as great a novelty in the constitution as the use he made of it. He would not relate the circumstances attending the whole of this recent event, nor enumerate a variety of things connected with the fate of the first India Bill. But whatever the minister's popularity might be, few, he was well founded in asserting, would be found in any part of the country who dared to justify this sort of manœuvre, or the new and extraordinary means by which he made his way to the Treasury. Still fewer would take upon them, he hoped, to say, that he now acted either a prudent, a manly, or an open part. What minister could the history of this country produce, who had thus held parliament in defiance, and kept his situation in opposition to their inclination and express requisition, with whom the constitution had placed the control of his actions? What could his popularity gain by a demeasour which must eventually ruin him with those who formerly regarded him most? The consequences of his obstinacy must inevitably be felt, and they could not but operate against him.

The noble earl passed to the resolutions, which he reprobated in strong terms, as expressly calculated to breed a variance between the two Houses of parliament. For his own part, not one solid reason had come to his ear or his imagination which could render the present motion necessary. He was ready to negative the resolutions, on the principle of inexpediency, as well as of inutility; and for this plain reason, because he did not think the House of Commons had acted improperly by passing that resolution. A Bill had passed that House for the better regulating the affairs of the East India Company, which their lordships had thought proper to throw out, and yet at the same time allowing that it was very necessary some regulations should be adopted: from the time of year, it was requisite a little recess should be had, and therefore the House of Commons had taken this resolution, merely that they might find the Company in no worse a situation when they met again, than when they left them; this, he believed, was the sole motive for the resolution, and the only reason they had for passing it; therefore he should not give his support to a resolution that went to convey censure, where he did not believe any due. With respect to the disposal of the clerkship of the pells, he rejoiced it had been given to an honourable gentleman who had laboured for the public upwards of twenty years. It was certainly well bestowed: had the right hon. gentleman taken it himself, he should have thought otherwise, as he had not served the public yet five years. He was ready to give disinterestedness its due share of praise, but he saw no cause for raising the right hon. gentleman to such an eminence, in preference to every other man in the country, merely for having done an act of duty, not to have done which, would have ruined his character for ever.

Earl *Fauconberg* called upon their lordships to join him in voting for the resolution. He said, that though he was far from wishing to do any thing that should disturb the harmony that at present subsisted between the two Houses, he found himself bound in duty to recommend it to their lordships to stand forth moderately, but firmly, to support the just prerogative of the crown, against the violence and intemperance that seemed of late to have taken possession of the other House of parliament. This, he said, they were bound to do, from motives of respect and reverence to the crown, and from a sense of what they owed to the nation. He reminded their lordships that they were the hereditary representatives of the people; that their seats in parliament depended

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not on borough jobbing, or bribery and corruption, but that they held them as their birth-rights, and therefore they were doubly bound in times of public danger to take the alarm, and act in a manner becoming their rank and character. He looked upon the resolutions lately entered into by the House of Commons, to be of a very intemperate nature, more adapted to excite feuds and animosities in the nation, than to conciliate the jarring interests and unhappy differences that had prevailed of late to an alarming degree. What must be the consequences of such hasty steps? Were we to neglect the great concerns of the nation, to serve the party views and private interests of ambitious individuals? Was our army to be disbanded, and our navy neglected? He granted, that addresses might be obtained from some corporate bodies by an undue influence; but did it prove, that many might not express the true sentiments of the members of those that composed them? He could bear testimony to several of the latter kind that he was entrusted with. There was another melancholy consequence that attended these unhappy divisions; they materially affected our public credit and commerce; he knew an individual who had lately lost 30,000*l.* by the diminution of the former, and thousands of our merchants and manufacturers woefully experienced the failure of the latter. He congratulated the House on having done themselves immortal honour by the part they had acted respecting the East India Bill, and said, they had made themselves extremely popular by having so done. He said, that the whole nation was bound to entertain the liveliest gratitude to the sovereign for his having dismissed from his service, ministers whose conduct evinced designs so dangerous to the rights of individuals, and the liberties of the subjects in general. They were bound to thank their sovereign also, for having called to the head of his councils a minister unexampled in abilities, untainted in character, and of the purest integrity; a minister in whom the nation at large reposed the most unlimited confidence, and whose noble and generous conduct in a late instance, not only reflected the brightest lustre on his fame, but gave his country a happy presage of the good consequences she was likely to derive from so illustrious a character. He was surprised the noble earl, of whom he had an high opinion, should have descended to use such harsh expressions against an individual, of whom all men spoke with wonder and admiration, and who could not have an opportunity to reply in his own defence.

The Duke of *Manchester* expressed his regret, that a motion of the present nature should have been suggested to the House. It was a motion which in the abstract no man could doubt; but which, in its application, was by no means admissible. Much had been said of the conduct of men in power, of their disinterestedness, of their Roman virtue. He was ready to give them every praise which in justice they merited. But was that high language of encomium applicable to them in its greatest latitude? He apprehended not. A right hon. gentleman at the head of administration had been commended for his patriotism, for his eminent attachment to economy in the commutation of a public pension for a late office of equal, if not more considerable emolument. He doubted, however, if the saving to the nation by the arrangement was so great as had been represented.—His grace said, he wished not to tear away the character from any man, nor to withhold commendation, where it was justly due; but with respect to the late disposal of a patent place, the matter was not rightly understood. The money was not, as had been stated by many persons, and imagined by more, given to the public, nor ought credit to have been taken for it on any such account. The 2,800*l.* went to the civil list, and not one shilling of it came into the pocket of the public. If their lordships would take the trouble to read the late Act, they would find that all pensions, that fell in, went in aid of the civil list. Though there was some merit therefore in the right hon. gentleman's not having himself taken the place that fell vacant, there was none for having lightened the burthen of the public, as had been stated; for in fact it was not a saving to the public, but to the civil list, and consequently to that board, at the head of which the right hon. member presided; for there was an Act in being, which declared those gentlemen should not pay themselves while the civil list was in arrears; therefore it was necessary, for their own emolument, to be as economical as possible.—He viewed the present motion as tending to divide the opposing parties, and to give rise to hostilities between the two Houses. On the present occasion, every tendency towards

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unanimity ought to be carefully improved. He could by no means consider the procedure of the House of Commons in that unconstitutional and alarming aspect under which the noble lord who spoke last had exhibited it. The privileges of the House of Commons were defined by the constitution. Their lordships were the hereditary advisers of the crown; but surely it belonged to the Commons to decide on the characters of ministers, and on the confidence which was due to them. This was a right which they had always claimed, and which, in the present, as well as in former instances, they had exercised. The Commons were the representatives of the great body of the people of this country. It was to them that in matters of public administration the eyes of the nation were chiefly directed. Their lordships were not the hereditary representatives of the people; they were only the hereditary counsellors of the crown. The House of Commons held the purse of the people; and their importance and weight in the constitution, their judgment and decision on ministers, had always been regarded as determining their existence. He hoped, therefore, that their lordships, by no asperities of language, by no severities of motion, or of resolution, would interrupt the harmony of parliament, or give birth to disasters similar to those when the House of Commons had voted their lordships useless.—The present aspect of public affairs, the domestic distractions of the country, the necessity of a national reform, and the situation of foreign matters, surely pointed out unanimity between every part of the legislative and executive branches of government. The country of late years had been the victim of faction. It had been almost ruined by a tedious and unsuccessful war. Foreign powers still threatened us. Armaments were forming, of the destination of which we were ignorant. Tranquillity in the East Indies was not yet obtained. A peace there surely was with France; but the natives of that country were still in hostility to our interests. There were negociations depending with the Dutch, several foreign powers were arming, and we as yet knew not with what intent; and a variety of other circumstances, which rendered it very necessary that we should at this time have an administration strong and united in themselves, and possessing the confidence and support of the people. Was this the case? Certainly not: we had an administration too weak to hold a bold language to any power, and therefore unfit to proceed on any negociation; nay, being in want of the confidence of the House of Commons, they were incapable of proceeding on the common business of the state; yet these men would not resign their situations, hurtful as their retaining them must be to the nation. These things, therefore, surely inculcated, in the strongest terms, the principles of union. He hoped their lordships would pay proper attention to them, and see the impropriety of adopting a motion so destructive of a general system of unanimity.

The Duke of *Richmond* viewed the late conduct of the House of Commons as altogether unprecedented, and could not but condemn it on that principle. Its proceedings originated in a rumour which no one could explain, which had no proof, and which only circulated, as it would seem, at random. And what did these resolutions go to? Why, they were undoubtedly intended to check the lords of the Treasury from the exercise of powers with which they were invested by an act of the legislature. These lords were empowered by act of parliament to accept what bills were remitted from India by the Company's servants, in order that the Company might not act altogether without the inspection of ministry. The Commons, in order to impede the natural operation of this salutary power, threw this obstacle in its way, and stated it as a resolution, that the lords of the Treasury ought not, in the present circumstances of the country, to put this power in execution. This was, he would be bold to say, running in the face of the legislature, and one branch presuming to dictate to the rest; and it was not, certainly, a language which could be heard with safety in the country, or silence in that House.

It was an undoubted maxim in our constitution, that the prerogatives of the three estates were nearly equal. Would then the people of England endure from one, what ought not to be endured from another? What would be the consequence, should the crown exert its prerogatives with regard to any of those great, popular, and constitutional questions which had been lately agitated in the other House of parliament? Would the crown be suffered to do that by itself, which it could only do in concert with the two other branches of the legislature? And why, in this case, should the House of Commons

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be indulged in the exertion of a power which it can legally enjoy only when it acts in harmony with his Majesty and this House? The more he contemplated the beautiful and excellent theory of our constitution, the more he admired its attributes and effects. It had always, even in the greatest emergencies, operated in such a manner as to answer the great purpose of its institution, political liberty. For whenever any one branch of the legislature exceeded the prescriptions to which it was originally restricted, there still remained virtue enough in the others to bring back the deviating principle to its primary influence. He consequently trusted this theory would be effectually realized in the present case. This House could not therefore, in his opinion, continue silent consistently with its duty as hereditary counsel of the crown, to interfere when either the Commons or the Crown, in the exercise of their respective functions, clash with each other. The respectability of their lordships depended not a little on their acting, in the present crisis, with energy and unanimity. What was proposed to their lordships' consideration, but a resolution which would evince, that they did not, by any means, tamely acquiesce in any unconstitutional steps which had distinguished the late proceedings of the other House? They were called to deny their assent to that decision which the House of Commons had assumed by itself. They were called to dissent from that oblique censure which other resolutions in that House aimed at the characters of those whom they could not, and had not, dared to accuse of any crime. They were called to act in their own defence, by resisting nobly, and like themselves, the encroachments of that House, under the guidance of a powerful and violent faction.

He therefore pressed them to be steady, and shew their preference to the constitution, by yielding gloriously and unanimously whatever interfered with its influence, utility, and excellence. If the other House wanted a change in the present ministry, why did they not procure it in one of the constitutional forms that belonged to them, either by impeachment or address to the throne, and not attempt it by such methods as they were adopting? What would be the consequence, if they were suffered to go on, he would not pretend to say; but surely every noble lord must see with anxiety the lengths they had already gone, and the necessity they had made for an interference. His grace entered pretty largely into the defence of the present administration, and condemned the coalition. The character of the minister had been depicted. It was a subject that would stand the severest scrutiny. The abilities which distinguished him were, to say the least of them, uncommon, especially at his age. But he wished some attention had been paid to his virtues. His industry, his abstraction from every species of dissipation, his attention to business, his frugality, his patriotism, and a variety of public and private good qualities, were objects of confidence and pride to his country, which had, even in this country of heroism, been rarely exemplified. It was to these the nation chiefly looked; and he was one of those who did not entertain a doubt that their expectations would be completely satisfied. A noble duke had endeavoured to take away some part of its merit by an arithmetical position, but which he confessed he did not understand: that noble duke said, the right hon. gentleman had not given this money to the public; he had only given it to the civil list, with a view of receiving his share as first lord of the Treasury: allowing that to be the case, he certainly had a claim for generosity to his fellows in office, as he was contented with a small part, when he might have had the whole. But this was not the exact case, for the money was certainly given to the public; for their lordships all very well knew that if the civil list became incumbered, they would have the paying it; therefore economy in the civil list was in fact giving so much to the public. He was not surprised at an attempt to tear the right hon. gentleman's character to pieces, when they would not allow any credit to him for this great action. He begged leave to detain them only for a moment with a few words on so trifling a topic as himself. He had not the same reason for retiring from that administration in which the peace was concluded that some others imagined they had; neither did he thoroughly approve of the peace which, under that administration, had been negociated. He owned he had advised them to keep by each other, and he was not one who would give an advice in which he would not willingly share. He had observed the same line of conduct on this occasion. The opponents to the men in whom he deemed the affairs of govern-

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ment most safe, were powerful, and by a coalition which he had always reprobated, unanimous. They could not act with the noble lord in the blue ribbon. For his own part, he had made up his mind long ago on that particular, and was now decidedly of opinion, that to join with a person whose official conduct had done so much irreparable mischief, was in some shape to be a sharer of his guilt. The leaders of this formidable party had not even agreed on many of their distinguishing doctrines in politics; and while there remained a difference in fundamental articles, while a coalition took place which extended only to objects of mere temporary convenience, it could not be a union in principle. The manœuvre originated in a love of domination, and was planned by both to secure a monopoly of power. And who could say that it had not operated to that effect in a late instance? Viewing the resolutions as connected with these particulars, and as tending at once to justify the dignity of this House, the constitutional exercise of the royal prerogative and the security of property under every form by which property subsisted in this country, he trusted the House would unanimously adopt them.

Lord *Loughborough* said, he should not consider the resolution then under discuscussion, in the blended and mixed state in which the noble duke had thought proper to consider it; because, by mingling it with other motions not before the House, their lordships would be confused, and no distinct view could be taken of the true import of the question upon which they were to decide. Having thus cleared the ground, his lordship proceeded to investigate the resolution of the House of Commons, and to see how far it fell within the construction put upon it by the motion. The better to discover this, it was necessary to refer to the Act of parliament, and to consider what was the nature of the discretionary power thereby vested in the lords of the Treasury; what was the probable extent to which the legislature imagined it likely to be exercised, and with what view any such discretionary power had been originally given. In order to form a pretty correct idea of these points, it would be necessary for such of their lordships as remembered the passing of the Act to apply to their recollection, which he doubted not would very considerably assist them, when compared with the wording of the clause itself as it stood in the Act of parliament. His lordship declared he well remembered the passing of the Bill, and the nature of the discussions that had taken place at that time: that it became necessary to allow the Treasury a discretionary power, because, from the nature of the case, it was impossible to ascertain the exact quantum of the amount of the bills that would be presented for acceptance in each given period of time: but in order to draw something like a line, the sum of 300,000*l.* was inserted. This was clearly the meaning of the clause of the Act; and from such a view of the state of the discretion as it stood before the House of Commons interfered, and the actual state of the Company in reference to the bills presented for acceptance at the time the resolution was come to, it would appear as clear as noon-day, that the House of Commons, so far from having interfered improperly, so far from having assumed a power to suspend acts of parliament, so far from having arrogated and seized upon the discretion vested in the lords of the Treasury, had done a necessary, a prudent, and a wise thing, when they voted the resolution in question. The resolution was neither more nor less than a hint, a piece of advice given by the House of Commons to the lords of the Treasury. It was notorious, that, instead of so small a number of bills having been sent over from India as would amount to 300,000*l.*, bills to the enormous amount of millions had been sent over. This, therefore, placed the situation of the Company in a new light, and consequently altered the nature of their applications to the lords of the Treasury. So circumstanced, would any man in his senses contend, that it had not been strictly right in the House of Commons, the holders of the purse of the nation, to interfere? Was it a secret to any man, that the Company's credit must be maintained; that the interests of the Company and the interests of the country were inseparably blended? Was it not, therefore, strictly the duty of the Commons to keep a watchful eye over the Treasury in this instance? Was it not their peculiar province to control the expenditure of the public money; and ought they not in so material an instance to interfere with their advice?

Having elucidated what he conceived to be the meaning of the resolution of the House of Commons, and justified it upon grounds of argument and reasoning, his

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lordship said, that the House of Commons had an undoubted right to interfere with the servants of the crown; and that to fetter parliament with any resolutions, tending to check the free exercise of that power of control, would not only be an inconvenience which both Houses (that, as well as the other) would feel most galling and irksome, but would be attended with circumstances of considerable disadvantage to the country, by subjecting the public to very great losses, by frauds and other means, that would in all probability grow into constant practice when the power of control was weakened, and in a great measure removed. The House of Commons did not mean, he repeated it, to control or suspend the powers vested in the lords commissioners of the Treasury by act of parliament; they only advised them not to make an indiscreet use of their power; this they certainly were fully justified in; nay, it was their duty to do it. In some despotic times the House of Commons were told that they had nothing to do with the intricate and weighty affairs of state; their duty was only to deliberate on what was set before them: but, thank God! times were altered, no such language was now attempted to be held in either House since the glorious Revolution; liberty of free debate, and animadversion on the conduct of ministers, were always the undoubted rights of both Houses of Parliament. There were numberless discretionary powers vested by acts of the legislature and the constitution in various branches of government. The board of Admiralty had many great discretionary powers vested in them; but was it not liable to the control of parliament? Surely that and all others were, and he hoped always would be. He should reserve himself for the discussion of the other motions that had been opened by the noble earl in his speech at the commencement of the debate, till they were properly before the House. He would only observe, that the precedent of 1704 was cited from a very unfortunate period of our history. At that time things were in a good deal of confusion, with a weak government and a tottering administration, earnestly grasping their situations, and endeavouring vainly and fruitlessly to cling to office, after they had lost the confidence of parliament, and after it had been proved to be impossible for them to carry on the necessary measures of government in parliament. He lamented that a set of men should persist in remaining in office when they found they did not possess the confidence of the House of Commons. He admitted the undoubted right of the crown to name its own ministers; but at the same time, he thought the House of Lords or Commons had an equal right to advise his Majesty to dismiss them.

It was a wise maxim in this constitution, that the king can do no wrong; but yet it was a presumption in law that the king may be deceived, and princes were more likely to be imposed upon than other men. Upon this principle, therefore, that Majesty had been deceived in his selection of the most proper and able ministers, it was, that the Commons, long before the Revolution, had addressed him for their removal, whenever they had thought it advisable so to do. He doubted not the abilities of many of the present administration, for some of whom he had the greatest esteem; but yet he thought it very ill-advised for them to remain in office, after the several majorities against them; and much more so, in not pointing out to their friends the consequence that was to be apprehended by passing such a resolution as the present, of making a breach between the two Houses. The dissention which so precipitate a procedure must produce, might be followed with effects too serious to mention. The independence of both Houses, their consequence in the scale of the constitution, and whatever they deemed their most valuable privileges, would cease to exist, from the moment that the harmony which the constitution had established among the several branches of the legislature ceased to operate. The Commons might continue to send up their money bills for the assent of their lordships. Thus the form of the constitution would continue to have its course, while its spirit was gone, and their lordships would serve no other purpose than an appendage to royalty.

In this light he could not help viewing the present interference of their lordships, supposing that interference to have its full effect. It tended to establish an executive power in government independent of parliament. It deprived parliament of that necessary control which the constitution had vested in it for a variety of ends, which could not be obtained by any other means; and it created a precedent which would, in his judgment, ma-

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terially affect the dignity of the House. These were considerations which weighed much with him. He dreaded any precipitate measure, as not knowing where it might lead. He thought the matters in dispute between ministers and the House of Commons might be settled without all this bustle; and he would trust in the wisdom and prudence of their lordships to check that spirit or temper which the resolutions before them would certainly produce.

The *Lord Chancellor* quitted the woolsack. He expressed a wish, that in the present distracted state of the country, and under the pressure of public business, a coalition of parties might be established. Ardently, however, as he desired a union, he could not think its existence eligible, except on extended, liberal, and general grounds. This was the only foundation on which its permanency could be maintained. His lordship adverted to what had fallen from the learned lord who had spoken last. He admitted, that any branch of the legislature could give a sentiment to the Treasury, or his Majesty, or his ministers, respecting their mode of procedure. If this sentiment was a mere opinion, that opinion was to be respected and treated as such. If the late resolution of the House of Commons was to be taken up in that view, he, for his own part, would be frank to own that he considered it to be harmless. If, however, he took it up under a different aspect, if he considered it as paramount to, and intending to supersede a direct and obvious act of parliament, he could not concur with him in sentiment. He contended, that the resolution neither was in truth, nor affected to be a hint or a piece of advice to the lords of the Treasury, as to their exercise of that discretion with which they were legally vested by the 21st of the present King. This the learned lord could not have misconceived, if he had not overlooked the concluding words of the resolution, "or until this House shall otherwise direct." This plainly proved, that the Commons literally, as the question then under the consideration of their lordships expressed it, assumed to itself the direction of a discretionary power vested in a body of men to be exercised as they should judge expedient. His lordship reasoned very forcibly upon this, and said, that had he been a lord of the Treasury, even though he had risked the loss of his place, he would not have obeyed the resolution; and his refusal would have proceeded from a consciousness that nothing short of an act of parliament, formally passed by the three estates, had the power of suspending either a part of the statute or any part of the common law of the kingdom. He said he would suppose that a power similar to this was lodged in a board of seven commissioners constituted by act of parliament; he should then say, if the House of Commons passed such a resolution, directing those commissioners how to exercise a discretion the law had given them the sole control over, they would act wisely by treating the resolution with contempt and paying it no regard whatever.

His lordship handled the resolution itself very roughly, declaring, that considering it in a political or commercial point of view, it was drawn ignorantly and stupidly. He reprobated the resolutions lately come to by the Commons as the wild efforts of childish ambition. Was discretion to be substituted for a positive right? He knew that men might at different times be placed in stations not very pleasing or enviable; that to be under the necessity, from motives of conscience and a love of justice, in any manner to oppose the desires and views of a powerful body of men, was irksome—it was not sleeping on a bed of roses; but if he had been placed in the situation of the present lords commissioners of the Treasury, when served with an unjustifiable and illegal mandate of any kind, he trusted he should have firmness sufficient to spurn at it with contempt and disdain. He acknowledged there were many kinds of discretionary powers vested in various boards, which were certainly under the control of parliament; but he insisted that the power vested by the lords commissioners of the Treasury were so fully defined and specifically settled by the Act, that no one branch of the legislature could legally control them in the exercise of those powers; that for an abuse of them, they were liable to the jurisdiction of the ordinary courts of judicature. His lordship adverted to an observation of the learned lord who spoke last, that if discretion in forming an administration was allowed too great a latitude of construction, men might be raised from the lowest and most obscure stations to the first offices in the state; such as a page of the back-stairs, or Mr. Ramus, to be first lord of the Treasury, and so on. This, his lordship

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said, was so morally impossible that it could bear no serious reasoning: it was too absurd to suppose, that any such folly could ever exist in this country. His lordship panegyrized Mr. Pitt, and applauded his disinterestedness in giving up the clerkship of the pells in the manner he had done. He said he had been shabby enough, he acknowledged it, to advise him to take it, as it had so fairly fallen into his hands, and he believed he should have been shabby enough to have done so himself, as other great and exalted characters had so recently set him the example; and he was so shabby as to think that there was no occasion for him to tower above his noble predecessors in office, and to aspire at higher acts of disinterestedness and spirit; but Mr. Pitt, with notions of purity not only very uncommon in these degenerate days, but scarcely paralleled in the purest times of Greece and Rome, had nobly preferred the public to the consideration of his own interest. His lordship treated the conduct of the other House with great asperity, and said it required some check. He earnestly recommended the motion to their lordships as a matter necessary to be adopted by them, as a corrective of the wildness of that mad ambition, which, by talking in a high and nonsensical tone of the dignity and honour of parliament, persuaded men to come into measures at once childish, absurd, and extravagant. He concluded with a solemn address to the House, conjuring them never to attempt to seat their greatness and dignity above the laws, to aim no higher than to act in a manner becoming a British senate, always to consider that they owed the same obedience to the laws that was paid by the meanest subject; that they were the grand and hereditary counsellors of the crown, the great distributors of justice, the zealous advocates and firm guardians of the rights and liberties of the people, and the steady defenders of their own honour and that of the nation.

The Earl of *Mansfield*, after a short exordium, said, that every man who was called upon to undertake a great measure ought to begin at the end; in other words, he ought to examine the consequences that would in all probability follow, before he adopted it. Thus a Roman prætor, whenever a new proposition was made to him, used always to ask, *cui bono?* to which, his lordship said, he might with propriety have added, *cui malo?* For the evils that might ensue were certainly as important and as necessary to be considered as the benefits expected to be produced from it. On the present occasion, their lordships were called upon to vote a resolution containing a self-evident proposition; before they did so, they ought to examine what was likely to be the result, and to govern their vote accordingly. So looking at the resolution before them, his lordship said, he beheld it with trembling. He never had risen to speak to a question with so much anxiety in his life. He scarcely knew how to conduct himself. It had pleased his Majesty to change his administration in the course of a session: hence great divisions in parliament had arisen. It had on all hands been agreed, that union was a desirable thing. Nothing could be more true. He saw not by what means union was to be obtained; but this he saw most clearly, that without union the nation must be ruined. He hoped God Almighty in his goodness would send unanimity to this ill-fated country, and discover a spark that might light into a flame, and thus effect our salvation from almost immediate perdition. Would the present resolution, if passed, tend to produce it? He feared it would have a very different effect. It had been declared in the course of the debate, that there was no wish to interrupt or disturb the harmony between the two Houses. Then why vote the resolution that had been proposed? The only effect to be expected from it must be a difference between the two Houses; and what did that naturally lead to but a dissolution of parliament? A dissolution of parliament was, in the present situation of affairs, utterly impracticable. They had no time to spare, they were even then at the last hour. Let any noble lord look to the eleventh report of the commissioners of accounts, and they would see that various great and important matters urgently pressed for the immediate attention of parliament. The ship was sinking while they were in deliberation; not a moment, therefore, ought to be lost. When he said this, he spoke merely from a sense of the extreme danger they were in, and not from any view to this or that administration. There were in the present administration many great, able, and respectable characters. He wished to God the administration had more strength. The strongest administration must be the best; and that, be it composed of what set of men it might, should have his support.

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His lordship having said this, reasoned upon the resolution, and upon the expediency of voting it. The resolution, he said, contained a declaration, the truth of which no man living would deny. For either branch of the legislature to attempt to suspend the execution of the law was undoubtedly unconstitutional. To what end, then, would their lordships vote an abstract proposition, the truth of which every body would admit? It had been stated as a ground for voting it, that the House of Commons had come to a resolution militating against a clause of the 21st of the present King. What then? A resolution of the House of Commons would not suspend the law of the land. A resolution of the House of Commons, ordering a judgment to be given in any particular manner, would not be binding in the courts in Westminster-hall. In the case stated to the House, the resolution in question would not have been binding on the lords of the Treasury. They would, undoubtedly, had there been occasion, have exercised their discretion, and they would have acted perfectly legally in so doing. He saw therefore no necessity in their lordships to vote the present resolution. It could not possibly do good, and it might do harm. It might produce a difference between the two Houses, and the only thing to be done then was to dissolve the parliament; a measure morally impracticable under the present critical circumstances. If a dissolution of parliament were now rendered indispensable, he wished their lordships to think a moment upon the mischiefs that would ensue. Were they prepared to disband the army and lay up the navy, to suspend all the operations of government, and to put the country into a state of the most imminent danger? He wished to recommend these subjects to their lordships' most serious consideration. He owned he trembled at the precipice they stood upon, and wished, if possible, to awaken their caution, and to preserve them from the common ruin that threatened, if the greatest vigilance and the utmost prudence were not immediately exerted. If any person, or any description of persons, had been guilty of a crime against the constitution, let them be impeached and legally tried. No injury could arise from the exertion of constitutional means of enforcing the law of the land, but much mischief might follow their voting a resolution like that now under consideration. Let their lordships recollect, that what they said in debate might go forth to the world and produce ill effects. What passed in parliament they all knew was repeated without doors, often misrepresented, and generally, nay almost always in some particulars, exaggerated and misstated. For all these reasons, his lordship declared he wished the motion either withdrawn or got rid of without taking the sense of the House upon it. He knew not whether he had best endeavour to dispose of it by moving to adjourn, or give it his negative. He desired however to have it understood, that his objection went to that part of it stated in the words, "That this House do now resolve;" because he was against the coming to any such resolution at that time.

The Earl of *Coventry* was in favour of the motion. He wished something could be done to put an end to these violent divisions; how was it possible for majesty to act, or know which was the sense of the people, when the numbers were so near? Was he to advise, he should wish the Commons to pass the supplies and mutiny bill as soon as possible, and the members being sent back to their constituents, by their return it might be determined which was the sense of the kingdom at large; but should we go on in the present manner, ruin must ensue. Good God! were we to be left without an army, were our coasts to be left open to the enemy, and our ships to their mercy unprotected? The idea was shocking; let us therefore endeavour to prevent it.

Viscount *Stormont* admitted the truth of the resolution under consideration, but could view it in no favourable light as to its tendencies and end. He thought it might have been spared, at a period when moderation and unanimity were so indispensably requisite for the conduct of public business, and the legislative concerns of the country. He could see no good which could result from it, and agreed in opinion with the noble earl with whom he had the happiness to be nearly related, and who had delivered his sentiments with so much perspicuity and energy on the subject. Admitting, therefore, the truth of the motion in its abstract state, but rejecting it under the idea of a resolution of the House, he would not enlarge on its circumstances, but direct his attention more immediately to its consequences, and in particular to the two other resolutions of which it was intended to form the

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basis. No one, said he, venerates the constitution more than I do. I consider it as the most fitly framed for supporting and extending the principles of civil liberty. But in what does this distinguished aptitude consist, and what are those circumstances which maintain its existence? The constitution of this country is different from all others by the balance of its authorities, by the mixture of its powers. In simple monarchies these prerogatives are united in one object. In this, they are divided amongst various bodies. It is to this admirable distribution and nice adjustment of authority that we owe all those privileges, and enjoy all that freedom, which render us so distinguished in the history of nations. The constitution of this country, however, has marked and defined the various rights and functions of every branch of the legislative and executive government. It has carefully pointed out where they should properly interpose in the correction of each other, and has suggested the safe and legal methods by which such interferences are to be conducted. No person respects the legal prerogative of majesty more than I do. My veneration for the constitution, my character as a member of this House, the benevolence of my sovereign, and my oaths of allegiance, all concur to attach me to his person and to his government. One principle, then, admitted by all parties is, that it is the prerogative of his Majesty to elect his own ministers. This is a power which our constitution has placed in the hands of the crown. On this point there is no dispute. But with respect to the exercise of it, with respect to the expediency of its exertion in every instance, there may be grounds of doubt which render it a point of nice discussion.

In every mixed government such as ours, which depended on the supporting a nice balance and a proper connexion between its various parts, the existence of a proper understanding between the legislative and the executive powers was absolutely necessary. It was this only which could give it unanimity, efficacy, and energy. When there was a rupture between these branches of government, every thing must be divided, and the constitution of course must fall. This circumstance, therefore, surely rendered the exertion of the prerogative in every supposable case a point of nice judgment and choice. In France, the king chose his ministers independent of all references to the sentiment of his subjects, or the opinions of the inferior branches of the legislature. In a simple monarchy this was admissible, and attended with less danger than in a mixed, because the will of the sovereign rises superior to every obstruction which in more complex systems destroy both the energy and efficacy of government. This principle, however, was neither to be admitted nor practised on in this country. Though the prerogative of his Majesty to elect his own ministers is indisputable and defined, yet it ought surely to be determined, and regulated by certain deferences to the sentiments of both Houses of Parliament, and of the public. It is on this prudent exercise of prerogative that that confidence can alone be established which is necessary to give energy to the functions of government in this country. In other countries, and under despotic systems of administration, force may supply the want of confidence, by producing an unanimity of sentiment and co-operation; but in this, a mutual respect to opinion is absolutely necessary to its being; for real confidence is a plant of spontaneous growth, which must rise of itself, and cannot be compelled into existence.

Nothing can, therefore, be more absurd than to assert, that his Majesty, from capricious choice, or in direct insult and avowed opposition to the sentiments of parliament or of his people, can appoint an administration for the purposes of government. This may be tolerated in other countries. In France, Louis the 13th selected a minister because he had the singular talent of collecting favourite birds, and in mingling in his favourite, though trivial, amusements. At present, in that country, the choice is not always directed by merit, but frequently by the caprice and whim of the sovereign. In this kingdom, at an unformed period of government, a duke of Buckingham had been chosen minister of the country by one of our monarchs because he wore fine clothes. But will any person, the greatest admirer, the fondest partisan of royal privilege, assert, that the conduct of that country, or the practice of these times, is applicable to the present, or ought to define and regulate the exercise of the prerogative? I am satisfied there is no person who will. To affirm, therefore, that his Majesty may call into ministerial office whom he pleases; that he may make the pages of the back-

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stairs ministers, is an unconstitutional doctrine, and a case which, in deference to the sentiments of the sovereign, and in respect to the government of this country, ought not to be supposed.

But though such are the spirit and maxims of our government, still a ministry may be called into office in such a manner as may not recommend them to the confidence of parliament. In such a case, what line ought the legislative branch of government constitutionally to pursue? Is an interference of parliament in such an instance altogether improper? By no means. What is and has been the conduct of parliament in similar examples, when the boundaries of the prerogative were as fully admitted, and as accurately defined? It is allowed on all hands, that the making war is one of the distinct privileges of the crown. But has parliament never interfered in the exercise of this prerogative? Quite the reverse. There are various examples to the contrary in history. In the reign of king William, that great epoch of British liberty, an address was presented from the Commons to his majesty, signifying, to be sure, in very soft terms, their willingness to concur in a war against the French. Did this illustrious sovereign, or his ministers, treat this address with indignity? By no means. He returned an answer to it immediately, expressive of his happiness in the notified concurrence of his Commons in the war, and signifying his intention of prosecuting it. Various other instances might be quoted to the same effect. In every exertion of the executive government, the judgment of parliament is admissible, is authorized, and has obtained.

With respect to the choice of ministers, there have been frequent examples and precedents of the interference of parliament; and what has been the effect of them on his Majesty in regard to the retention or dismission of ministers. There are, I believe, no instances since the Revolution in which an administration has survived the reprobation of parliament. In general, this circumstance has operated so powerfully either on their sentiments of delicacy, or of public spirit, as to compel them to resign their charge. A great, an able statesman, sir Robert Walpole, who had conducted the business of this country for many years, on finding that he had lost the confidence of the House of Commons, retired from office with proper delicacy, and affirmed, with a becoming dignity of spirit, that he would never enter the walls of that House any more. Another distinguished minister, who possessed the most brilliant talents, who united all the elegancies of Greece and Rome in himself, had retired from office on similar circumstances of disapprobation. A noble lord (North) with whom he had for some time been connected in office, whose abilities he respected, whose virtues and whose friendship he esteemed and venerated, had even gone out of office on the appearance of a distrust of his abilities. That noble lord did not wait for a direct decision on his political and ministerial conduct; he did not press the House into a discussion of such nice and delicate considerations, but retired from office because a majority of nine had only appeared on a trying question in his favour.

These circumstances, therefore, placed the point beyond all doubt, that parliament had an unquestionable right to decide on the exercise of his Majesty's prerogative on the appointment of an administration, and on the character of his ministers. From these instances of parliamentary interposition, and from the conduct of ministers in similar circumstances, what then might naturally have been expected from administration on the late conduct of the House of Commons? I must for my own share confess, that I could not have conceived that they could have remained in office in contradiction to the maxims of the constitution, and the example of preceding administrations. It is my opinion that their conduct is unwarrantable, and tends not only to introduce division in parliament, but to subvert the constitution of the country. In the present situation of affairs, what good can be expected from a ministry so constituted, and existing under such circumstances? Can they possibly act with energy or effect? Like a snake that has received a wound, they may creep forward for a little, but they can never move or operate with proper dignity or influence. I cannot on these accounts see the necessity to enter into the expediencies of the motions now under consideration. To what end can they contribute? To me they seem to serve no other purpose than to strew the tombs of the present administration with flowers. It is impossible for me therefore to conceive that it will either contribute to your lordships dignity, or that it will support the prerogative of the crown, to adopt the motions under discussion. It

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is impossible that, in the present situation of affairs, the present ministers can act, or can be retained in office. Is it, then, safe for your lordships to commit your own dignity, to commit the dignity of the crown, to so dangerous an issue, by hazarding the adoption of motions, which, though carried, must be ultimately ineffectual? To me it seems equally improper and dangerous. A noble lord has talked of a dissolution of parliament. He has stated this circumstance as a measure of expediency at the present crisis. I hope there is no such dangerous intention in a distracted administration. After the strong and authorized assurances to the contrary, I cannot imagine that any of the present ministers are so lost to a sense of veracity and of public welfare, to advise a measure of so dangerous a tendency. A noble lord has spoken of the hazards of a disbanded army; but by what means can these evils be more effectually called into existence than by the dissolution of parliament, at a period when the mutiny act must expire? I hope there is no person so hardy as to suggest such advice to the sovereign at this crisis.

Lord *Sydney* said, that no noble lord was more anxious to see a general union of all the abilities and strength of the empire in the present most difficult crisis than he was; and he was sensible that if a plan could be suggested by which this could be effected, the noble persons with whom he had the honour to act would not, on account of any personal views, be an obstacle to the formation of a ministry, which should be the means of quieting the dissentions of parliament, and restoring harmony to the country. If there was any thing in the late resolution of the Commons which did assume a power over the provisions of an act of parliament, it became their lordships to investigate such resolution, and to decide upon it without delay. It was natural for him to have the utmost respect for an assembly of which he had been so long a member, and which he had so lately left; but there was a consideration superior to every other in his mind, which was attachment to the constitution; and if the constitution was infringed, they ought to take such steps as their wisdom might recommend to prevent the consequences. The proposition of the noble earl was declared, even by those who were anxious to object to it, to be a truism; and on the other hand, it was acknowledged, that any resolution of the Commons, tending to prevent the operation of a statute, would be nugatory, that no body of men invested with discretionary powers under an act of parliament would pay respect to a resolution of any one branch of the legislature suspending the law. If this was the case, where was the delicacy of coming to the resolution? He could not conceive that any ill consequences could arise from this proceeding. His lordship extolled Mr. Pitt's disinterestedness. He asked, what other man was there who, under the same circumstance, would have acted in a similar manner? He counted up the patent places held by great families, and thence drew an argument, that it would have been no disgrace had the right hon. gentleman kept the place himself.

Earl *Gower* said, he would deliver his sentiments on the question in a double capacity, as a minister and a member of that House. As a minister, he would declare that nothing in office, or connected with it, should, for his part, prove an obstacle against such a ministry as the circumstances of the country required. He was also ready to allow that an administration of stability, and cordiality, was never more wanted than now; but while he said this, it must also be observed, that as a member of the House, he was prepared to admit the resolutions proposed, as they were framed, in his opinion, to prevent one branch of the legislature from encroaching on another. He certainly thought this the tendency of the resolutions of the Commons, and this appeared to his lordship the only way of correcting them.

Lord *Loughborough* owned that the second motion in which the prerogative of the crown to appoint its own ministers was asserted, stated a truism, which no man who understood the nature of our constitution would deny. It ought at the same time not to be forgotten, that the intention of investing the crown with a power thus ample, had an immediate eye to the public benefit; for while the King enjoyed the prerogative of choosing his own servants, it never could be supposed that an attention would not be paid to the confidence of parliament. The second part of the motion, however, he thought more exceptionable, as it went to an affirmation which set that House in direct opposition to the House of Commons. That House had come unanimously to a resolution which affirmed that the arduous

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circumstances of the country required a firm, efficient, extended, and united administration, which should have the confidence of parliament, and put an end to the distractions of the public. This resolution was not carried by nine, but was come to without a division. It was therefore the literal opinion of the House; and what did it mean? Did it not amount to this, that such an administration did not at present exist; that the choice of majesty had not settled on a ministry possessed of these qualifications? Therefore, a declaration of their lordships to this purpose was a direct contradiction to a resolution passed by the other House unanimously.

The House divided on the first Resolution: Contents, 79; Proxies, 21: Not Contents, 44; Proxies, 9. Majority, 47. The Earl of Effingham then moved his second Resolution, which was carried without a division. The earl then moved the following Address to his Majesty, which was agreed to:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, acknowledge, with great satisfaction, the wisdom of our happy constitution, which places in your Majesty's hand the undoubted authority of appointing to all the great offices of executive government; we have the firmest reliance on your Majesty's known wisdom and paternal goodness, that you will always be anxious to call into and continue in your service, men the most deserving of the confidence of your parliament and the public in general.

"In this confidence, we beg leave to approach your Majesty with our most earnest assurances, that we will, on all occasions, support your Majesty in the just exercise of those prerogatives, which the wisdom of the law has entrusted to your Majesty, for the preservation of our lives and properties; and upon the due and uninterrupted exercise of which must depend the blessings which your people derive from the best of all forms of government."

To the above Address, his Majesty returned this Answer:

"My Lords;

"I thank you for this dutiful and loyal Address; and I desire you will rest assured that I have no object in the choice of ministers, but to call into my service men the most deserving of the confidence of my parliament, and of the public in general. I cannot too often repeat my assurances, that my constant study, in the exercise of every prerogative entrusted to me by the constitution, is to employ it for the welfare of my people."

Debate in the Commons respecting the Discretionary Power of one Branch of the Legislature to suspend the Execution of Law.] Feb. 5. Lord *Beauchamp* begged leave to submit to the House a motion, to which he did not believe there could be any objection: he confessed, he had no better grounds for making it than rumour; but he was of opinion, that every one would allow rumour was a very good ground for inquiry. From rumour he had heard, that the House of Lords had taken into consideration a resolution which this House had passed on the 24th of December, and made it the foundation of what he conceived to be a very unwarrantable attack upon the privileges of the House of Commons. His surprise was great, indeed, this day, when he was informed that the House of Lords had been sitting last night in solemn deliberation on a resolution which had been proposed in the House of Commons, and which had been adopted on Christmas eve. That resolution conveyed to the lords of the Treasury an opinion relative to the farther acceptance of bills drawn from India on the East-India Company; and he understood that this resolution had been construed to amount to an assumption on the part of the House of Commons, of a power to supersede an act of parliament, or, in other words, to take away, by a resolution of one branch of the legislature, a power granted by all three. But this surely was a construction which the resolution would not admit; and nothing but captious malignity could think of torturing it, so as to make it speak a language so little in the contemplation of the House when it agreed to the resolution. The House of Commons assumed no new power, when it attempted to state to a public board, how far that board ought, in the opinion of the House, to exercise a power which they might or might not exercise, at their own discretion: there were a thousand instances in the Journals, of instructions given to all the public boards, with respect to the exercise of powers vested in them by act of parliament; and there was not before yesterday, one single instance in which such instructions had been declared

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to be an attempt to dispense with an act of parliament. The right hon. gentleman at the head of the Treasury had, at the conclusion of the last session, moved a resolution, that certain places, which it was clearly the just prerogative of the crown to fill up, should not be disposed of till the next meeting of parliament, because there were certain regulations relative to these places then actually depending in the House. Had any one ventured to assert that the right hon. gentleman in moving, or the House in adopting his motion, had attempted, by the resolution of one branch of the legislature, to take away from the crown a prerogative vested in it by the law of the land? No one had been so absurd as to advance such a proposition: and if it was not improper to state to the King an opinion of the House of Commons, relative to the exercise of a power given to his Majesty by law, could it in fairness be said, that it was improper or unconstitutional for the House to state an opinion to a public board? It ought to be particularly observed on the present occasion, that the resolution which had given the Lords so much offence, and which it was to him matter of surprise they had not long since taken into their consideration, related to a subject in which the public purse, of which the Commons were peculiarly the keepers, was deeply concerned. The directors of the East India Company are by law empowered to accept bills drawn upon the Company to the amount of 350,000*l.*; but when the sums drawn for exceed 350,000*l.* then the directors must apply to the lords of the Treasury for leave to accept such bills, or as many of them as exceed in value that sum; and the lords of the Treasury have a discretion to grant or withhold that leave, as they shall think fit, or to grant it to what extent they may judge expedient. Now, it was well known that bills to the amount of between one and two millions sterling had already been drawn and received, and that many more were expected from India. The sums for which these bills had been drawn were immense, and far beyond any thing that had been imagined by parliament when the act alluded to was passed. If the Treasury should permit the acceptance of all the bills, the public credit would be thereby pledged, and bound to provide for the payment, if the Company should not be able to take them up; and would any man be bold enough to assert, that the House had not a right to give an opinion in a case which might so very materially affect the property of their constituents? He did not expect that this right would have been questioned by any one, and much less by the House of Lords. The Commons had a right to exercise it at all times; but more particularly in an alarming situation of affairs, when the names of the lords of the new treasury board were not so much as known; so that it would be improper for that House, and a breach of its duty to its constituents, to trust so important a concern to the discretion of men, not known to them, and in whose judgment and integrity no confidence could of course be reposed. He admitted, that he proposed the resolution of the 24th of December in a thin House; but that was not his fault; he did it not by surprise, nor with an intention to avail himself of the advantage which he might be supposed to derive from the absence of the right hon. gentleman over-against him, and of several other gentlemen, who having vacated their seats by the acceptance of offices under the crown, were gone to new elections. The nature of the case, and the then situation of affairs, appeared to him to be such as to call for, and justify the motion he then made. However, he would not enter any farther into the subject at present; it would be first necessary for the House to know what had been done by the Lords, relative to the resolution he had made; and therefore he moved, "That a Committee be appointed to inspect the Journals of the House of Lords with respect to any proceedings or resolutions of that House relating to any resolution of this House, of the 24th of December last, and to make report thereof to the House."

Mr. *Eden* seconded the motion.

Mr. *Pitt* declared he had not the least objection to the noble lord's motion. If he was desirous to know whether any thing had been done in the House of Lords, founded on a resolution of this House, the mode adopted was certainly strictly parliamentary. He did not mean to take any notice of what had been urged by the noble lord in support of his resolution, because he did not wish to anticipate what might be the subject of debate on the report which the committee now moved for might make. He meant simply to observe, that he by no means believed the noble lord had it in contemplation to take advantage of the absence of several gen-

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tlemen in office, when he moved his resolution before the holidays; still it was very true that it was passed, when of course they had no opportunity to resist it.

Mr. *Fox* begged the right hon. gentleman would recollect, that the circumstance of his absence ought not to be mentioned as a kind of oblique censure of the resolution moved by his noble friend; for so far was the noble lord from wishing to take an unfair advantage of the right hon. gentleman's absence, that it was that very absence which made the resolution necessary; for had he been then a member of that House, and present, it was probable the resolution would not have been pressed upon the House, or so much as moved; for the noble lord would have put some questions to the right hon. gentleman, and if, in answer, he had assured the House, that until their next meeting after the recess the lords of the Treasury would not consent to the acceptance of any bills drawn upon the East India Company, there would have been no necessity whatever for the resolution, and consequently it would not have been proposed. With respect to the proceedings of the Lords yesterday, there was something in them which struck him as exceedingly singular, and well worth the attention of the House. The resolution which gave their lordships so much offence, was passed on the 24th of December; the Lords, who conceived it to be a daring encroachment on the part of the Commons, and a violation of the royal prerogative on one hand, and of the privileges of the House of Peers on the other, met on the 20th of January; and yet, though they sat almost every day since, they never once took notice of this bold attempt of the Commons till the 4th of February. Were the Lords indifferent, during all this interval, about their own rights, and those of the crown? Or had any thing recently happened, which served to awaken their sensibility? Yes; for the House of Commons had, on Tuesday, agreed to a motion for laying certain resolutions, which they had passed, before his Majesty. The very next day, and not before, their lordships proceeded to take into consideration the resolution which the Commons had passed so long ago as the 24th of December: so that before they thought of taking this daring, this illegal resolution into consideration, they waited until the Commons had agreed to a measure strictly legal, strictly constitutional, and strictly parliamentary, namely, a measure for giving advice to the crown. From this procedure of the Lords, this curious and alarming lesson might be collected; that as long as the House of Commons should agree in opinion with the ministers of the crown, so long they might pass what resolutions they pleased, unheeded by the Lords; but that no sooner should they differ, and advise the crown to remove them, than the Lords would stand forth their champions, and commence hostilities against the House of Commons. For his own part, he had long suspected, and the history of the last three weeks confirmed his suspicions, that there was a plan to sink the consequence of the House of Commons, and vilify them in the eyes of their constituents and of the world. There was a settled design somewhere to render the Commons subservient to the will of the crown, and consequently useless to the constitution. He remarked, that it was the constant practice of ministers, when they found themselves supported by the House of Commons, to exaggerate their power and their consequence; but when they happened to be in opposition to ministers, then they were cried down, then the prerogative of the crown was mentioned in lofty strains, and the Lords were called upon to vindicate their right, which they were prompted to believe invaded by the exercise of the most constitutional powers of the House of Commons. Thus praised when they supported ministers, vilified and traduced when they opposed them, the Commons must at last be rendered contemptible in the eyes of the public, and consequently unfit for any one of the purposes for which they formed a branch of the legislature. To render the House of Commons contemptible, and consequently useles, was the obvious wish of those who had entered into the conspiracy against it; the life of the House of Commons was aimed at; of this, he declared, upon his honour, he entertained not a doubt; and when he spoke of the House of Commons, he did not mean the House then sitting, but the House of Commons in an abstract sense, as forming one of the three great bodies of the legislature. If this was not the design of the conspirators, would the world have seen that phenomenon in this country, a minister insulting the House, by daily appearing on the Treasury-bench as a minister, after the House had declared they could place no confidence in him, and after they had laid before his Majesty their

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resolutions, by way of advice to the crown, to remove him and his colleagues? And would the House of Lords have been called upon to enter into resolutions against the House of Commons, if there had not been a settled design to insult and trample upon them? Was it not known, that in his Majesty's cabinet there were not wanting those, who were not the warmest friends to the constitution in its present form? Was it now known, that there were in high legal situations in this country, persons who held and avowed in public, principles the most abhorrent to the constitution? Could, then, the House rest at ease under these circumstances? He hoped they could not: but he hoped also, that they would proceed not only with temper and moderation, but with extreme temper and moderation. It imported much, that in the proceedings into which they must go, they should not only be temperate, but that they should also be in the right; for if they had of late done any thing that was wrong, it became their dignity, their honour, and their justice, to recant their errors with all convenient speed, and to return to the right path of the constitution. If, on the other hand, it should turn out, upon inquiry, that they had acted hitherto with the constitution on their side, it became them to be firm, and not surrender their own and their country's right to any power whatever. He would wait, therefore, for the result of the inquiry, which was the object of his noble friend's motion, before he should say any thing farther on the proceedings of the House of Lords.

Mr. *Pitt* observed, that the right hon. member might, if he pleased, have recollected, that though the House of Lords did not proceed till yesterday to take into consideration the resolution alluded to, yet the noble earl, who introduced the business yesterday to the House of Lords, mentioned it soon after the recess, if not on the very day their lordships met after the holidays; and that there was no very good ground for the observations the right hon. gentleman had made on that part of the subject. The right hon. gentleman had also taken notice, that though the Lords had taken no step to express their disapprobation of the resolution in question, they did not fail to do it the very day after the House of Commons had agreed to lay before his Majesty their advice to him to remove his ministers. The Lords probably knew that his Majesty's present ministers had had the uniform support of the House of Commons ever since the recess, till yesterday; and if they did know this (which no one in the world knew but themselves), there might be a foundation for the observation which the right hon. gentleman had made on that head: but if it should so happen that the Lords knew, that, ever since the present ministers came into office, they found themselves constantly in a minority; and that resolutions, no less unpleasant to ministers, had passed on the 16th of January, than that which passed on Wednesday last, he should really be at a loss to discover how the right hon. gentleman could think of building his observation on so absurd a foundation as that on which it actually stood. Pretty much as well founded was the observation, that there was a conspiracy to destroy the House of Commons, and that there were even in his Majesty's council some persons, he knew not how many exceptions the right hon. gentleman might make, who were hostile to the present constitution. There might possibly be persons so credulous as to believe such an idle and absurd observation, and to such persons it would be in vain to say any thing. The right hon. gentleman, however, had gone so far as to point out a learned lord, high in a legal office, as a person who held in public, principles the most opposite to the constitution. He wished the right hon. gentleman was less fond of general insinuation, and that he would remember some of the expressions of that learned lord, on which he might be tried, and defend himself.

Mr. *Fox* replied, that there was a great affectation of spirit in the right hon. gentleman, in challenging proofs, when he knew that from the offence no proof could be adduced. He alluded to doctrines laid down by that learned lord in places, from which freedom of speech and of debate made it impossible that proofs could be brought: he spoke, therefore, only from what he and all the world had heard. The doctrines which he had heard that learned lord deliver, were such as appeared to him repugnant to every principle of the constitution: he was a man who disregarded the opinions of the Commons of England, and would render them, as far as in him lay, what they had been called in that House, a dead letter.

Mr. *Dundas* said, it had been frequently insinuated, that he had called the resolutions of the House a dead letter; but, in reality, he never called them by any such

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name. What had given rise to the insinuation was simply this: when some late resolutions were proposed, he argued upon them, as if addresses were to be afterwards grounded upon them; and in order to deter gentlemen from voting for them in the first instance, lest they should be led afterwards to addresses that might lead to consequences of which they were not aware, he said, "Are your resolutions to be a dead letter? Or are they to be followed up with other measures?" And surely this could not be called disrespectful language to the House. The right hon. gentleman had said, that there was a design to lessen the consequence of the House of Commons: but those, said Mr. Dundas, who know what I was, and what I am, will never think that I, of all men, could ever entertain a design to lessen the dignity of this House: for whatever little consequence and distinction I have, if I have any, I derive entirely from this House; and I know, that if the House of Commons was to cease to be what it now is, a branch of the legislature, and a check and control upon the executive power, I must again return to the obscurity of a dull and laborious profession. He was surprised the right hon. gentleman should now think so ill of a learned lord, with whom he had once formed a part of an administration, and whom he used to call a very manly man.

Mr. *Fox* replied, that he did not always remember his own expressions; but he might have called that learned lord by that name; and perhaps there was not a better proof in the world that it was well bestowed, than that that learned lord had been bold enough to hold out such language in public, as was that to which he alluded. He then did the right hon. gentleman at the head of the Treasury the justice to say, he did not believe him to be one of those who aimed at the life of the House of Commons.

The question was put, and carried.

Feb. 6. Lord Beauchamp reported from the Committee appointed to inspect the Journals of the House of Lords, with respect to any proceedings or resolutions of that House, relating to any resolutions of this House of the 24th of December, and of the 12th and 16th of January last, and to make report thereof to the House, That the Committee had searched the said Journals accordingly, and had taken copies of what proceedings are therein respecting the said resolutions: and he read the same in his place.

Feb. 9. Lord Beauchamp after referring to the report of the Committee appointed to search the Lords Journals, asserted that the House of Commons had acted in every respect agreeable to its former consuetude on subjects of a similar nature; and that this point might be the more fully evinced, he would move, "That a Committee be appointed, to examine into the usage of either House of Parliament, to interpose touching the exercise or non-exercise of discretionary powers vested in the servants of the crown, or in any body of men, for public purposes; and to report the same to the House." The motion was agreed to, and a Committee accordingly appointed.

Report from the Committee of the Commons on the Usage of Parliament, to interpose touching the Exercise or Non-Exercise of Discretionary Powers vested in the Servants of the Crown, &c.] Feb. 12. Lord Beauchamp reported from the Committee, who were appointed to examine into the Usage of either House of Parliament, to interpose touching the Exercise or Non-Exercise of Discretionary Powers vested in the servants of the crown, or in any body of men, for public purposes, and to report the same to the House; That the Committee had examined the matters referred to them; and had searched precedents for that purpose, which they had directed him to report to the House; and he read the Report in his place, as follows:

As to the Precedents, your Committee find a great number, which they apprehend are applicable to the matters referred to them; out of which they have selected those which follow, for the information of the House:

5° *Junii* 1626. Ordered, this grand Committee shall presently sit: and so did.

Mr. Herberte reporteth from the Committee, that it conceiveth this House hath just cause of offence, at the choice of the duke to be vice chancellor of Cambridge; and do think fit, that a letter be written to the corporation of the university of Cambridge, to signify this dislike, and require them to send some to the House, to inform them

Upon question, a letter to be written to the university of Cambridge, by name of their corporation, to signify unto them,

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that this House hath taken just offence at their election of the duke to be their chancellor; and to require them to send some, instructed and authorized to inform, and give account to, this House, of the manner of their proceedings in the said election; and that, if any other will come to give information, they shall be heard. These to be here upon Monday next.

And further, resolved, if any will in the mean time come and inform, or complain, they shall be heard.

12° *Feb.* 1628. Mr. Shervyle reported from the Committee for tonnage and poundage, that a great stop to it, the detaining the possession of the merchants goods, and the stay of their proceedings, by injunctions in the Exchequer-chamber. That the Committee hath resolved to send a message to the court of Exchequer; and a draught of it . . .

Upon question, a message to be sent from this House to the court of exchequer, to the effect of the draught now read. This to be done by four of the House: Mr. Chancellor of the duchy, sir Francis Cottington, sir Nath. Rich, sir Ro. Phillippes. This writing, with the papers annexed, to be delivered by Mr. Chancellor of the duchy; and to report their answer.

June 16*th*, 1660. Ordered, that a stop and stay be forthwith made of all wastes in any the houses, timbers, or woods, standing and being in and upon any the lands, part of the Queen's Majesty's jointure, in whose hands soever the same are; and that all wood and timber which have been felled off any of the said lands, at any time since the 25th day of April last, whether remaining upon the said lands, or removed off the lands to any other place or places, shall so remain and continue, without further disposal, till the parliament shall give special order therein: and all persons concerned are required to take notice hereof, and to observe the same accordingly, at their perils.

Ordered, that a stop and stay be forthwith made of all wastes in any the houses, timber, or woods, standing and being in or upon any of the lands belonging to the King's Majesty, in whose hands soever the same are; and that all wood and timber which have been felled off any of the said lands, at any time since the 25th of April last, whether remaining upon the said lands, or removed off the lands to any other place or places, shall so remain and continue, without further disposal, till the parliament shall give special order therein: and all persons concerned are required to take notice hereof, and to observe the same accordingly at their perils.

1st. *Sept.* 1660. Resolved, That the King's Majesty be desired not to dispose of any of the manors or lands of the persons excepted from pardon by the Act of general pardon, indemnity, and oblivion, until his brothers, the dukes of Yorke and Gloucester, be provided for; and the lords concurrence is desired herein.

4 *Sept.* 1660. P. M. Resolved, That his Majesty be humbly moved, That he will be pleased to forbear the exercise of his prerogative, in making use of his tenures, till this House shall have settled a revenue in compensation thereof; which is already in an effectual way of settling.

Sept. 7th, 1660. Resolved, That his Majesty be humbly moved, not to exercise his prerogative, in making use of his tenures, or to settle any offices or officers relating thereunto, till other order taken.

Sept. 7th, 1660. P. M. Resolved, That whereas a Bill, for the taking away of the court of wards, and tenures by knight service, is under the consideration of this House, which, in respect of the present recess, cannot be at this time dispatched; his Majesty be humbly moved, that he would be pleased to suspend the sitting of that court, and all profits of wardships, marriages or wards, licences of alienation, and the placing of officers, finding of offices, and acting of any thing concerning the same, or relating thereunto, until the 25th Dec. next.

Ordered, That the members of this House, of the King's Majesty's council, do wait on his Majesty from this House, with their several votes; and humbly desire his Majesty's assent thereunto.

15° *Junii* 1661. Upon the report made unto this House, by Mr. Steward, from the grand committee of grievances, touching the complaint made against James Halsall and Edward Halsall, esquires, and John Walter, gentleman, from the ports of Plymouth, Dartmouth, Barnstaple, and Kingston-upon-Hull, and several other parts of the kingdom, that, by pretence of a patent touching ballast, the said parties, and their deputies and agents, do demand and exact new duties and fees, that were never known before;

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Resolved, upon the question, and ordered, That the execution of the patent, as to the new duties and fees complained of, be suspended; and that the said patentees, their deputies, and agents, be enjoined to forbear to levy or receive any money for the new duties and fees complained of, until the matters complained of be heard by the committee of grievances, and reported to this House.

20° *Junii* 1663. Ordered, That all proceedings at law, in the action of ejectment brought by James Berry, to try the title of certain lands lying in Pulver Fen; and all proceedings at law in cases of like nature, concerning the 95,000 acres fen land in Beford Level, or any part thereof, be stayed, until the matter touching the said fens, which is now depending in this House, be determined.

29 *Oct.* 1666. A Petition of the governor and company of the merchants trading to the Canary Islands, was read. The question being put, to agree in opinion with the committee, that the patent of the Canary company is an illegal patent, a monopoly, and a grievance to the subject; it was resolved in the affirmative. Resolved, &c. That his Majesty be humbly moved, to call in the patent of the Canary company.

18° *Nov.* 1667. Ordered, That the commissioners for the Treasury be desired to move his Majesty, to give order for stay of all proceedings on the commission issued out in the Exchequer, touching the forest of Deane.

4° *Maii* 1678. P. M. The House being set again; Resolved, &c. That it is the opinion of this House, that his Majesty be humbly advised and desired forthwith to enter into the present alliances and confederations with the emperor and the king of Spain, and the states-general of the United Provinces, for the vigorous carrying on of the present war against the French king, and for the good and safety of his Majesty's kingdoms; and particularly, that effectual endeavours be used for continuing the states-general in the present confederation; and that it be agreed, by all the parties confederate, to prohibit all trade between their subjects and countries, and France, and all other the dominions of the French king; and that no commodities of France, or any of the dominions of the French king, be imported into their countries from any place whatsoever; and also, that all endeavours be used to invite all other princes and states into the said confederation: and that no truce or peace be made or agreed to with the French king, by his Majesty, or any of the confederates, without general consent first had therein.

Ordered, That such members of this House as are of his Majesty's privy council, do present the two votes to his Majesty; and beg his Majesty's excuse that they are not presented to his Majesty in the usual form, by reason of the importance of the affair, and the exigency of time.

7° *Jan.* 1680. Resolved, *nem. con.* That whosoever shall hereafter lend, or cause to be lent, by way of advance, money upon the branches of the King's revenue arising by customs, excise, or hearth-money, shall be judged to hinder the sitting of parliaments; and shall be responsible for the same in parliament.—That whosoever shall accept or buy any tally of anticipation upon any part of the King's revenue, or whosoever shall pay such tally hereafter to be struck, shall be adjudged to hinder the sittings of parliaments; and shall be responsible therefore in parliament.

10° *Januarii* 1680. Resolved, *nem. con.* That it is the opinion of this House, that the prosecution of Protestant Dissenters upon the penal laws is at this time grievous to the subject, a weakening of the Protestant interest, an encouragement to Popery, and dangerous to the peace of the kingdom.

1° *Julii* 1689. Resolved, That an humble Address be made to his Majesty, by such members of this House as are of his Majesty's most honourable privy council, that, in all his treaties with his allies for carrying on the war with France, there be an article inserted to prohibit all trade with that kingdom.

15° *Julii* 1689. Resolved, That an humble Address be presented to his Majesty, by such members of this House as are of his Majesty's most honourable privy council, That he will please to make no farther grants of any light-houses, or lights, until the next meeting of the parliament.

17° *Augusti* 1689. The House being informed that colonel Copley, and the petitioners against him, according to the order of yesterday, attended at the door;

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they were called in. And, after the petition was read, several witnesses were examined touching the time of setting up the chain at Hull; and also the said colonel Copley's taking a farthing per ton, as he was lieutenant-governor, from masters and mariners of ships, in respect thereof. And also lieutenant-governor Copley was heard: who acquainted the House, that he did not set up the chain, but only kept it up, as a thing of great use and service to the place; and that he was desired by the Custom-house officers so to do; and produced a certificate of those officers for that purpose: and also informed the House, that the former lieutenants had received the like duty, particularly in colonel Gilbye's and lord Langdale's time. And then the petitioners, and witnesses, and colonel Copley, withdrew. The said certificate was read.

Resolved, That the levying a farthing per ton, or any other sum of money, upon ships that come into the port of Hull, upon pretence of maintaining a chain there, is an illegal exaction upon the people.

And afterwards colonel Copley was called in, and acquainted with the said resolution, that he might not levy the pretended duty any more. And then withdrew.

Ordered, That the informations delivered in to the House yesterday, by colonel Copley, be delivered back to him.

16° *Martii* 1699. The House being informed that captain Kidd is sent for home from the West Indies;

Resolved, That an humble Address be presented to his Majesty, by such members of this House as are of his Majesty's most honourable privy council, That the said captain Kidd may not be tried, discharged, or pardoned, until the next session of parliament; and that the earl of Bellamont, governor of New England, may transmit over all commissions, instructions, and other papers, taken with, or relating to, the said captain Kidd.

19° *Dec.* 1707. The House, pursuant to order, was adjourned during pleasure, and put into a committee, to consider further of the state of the nation, in relation to the fleet, and the trade of the united kingdom of Great Britain, the state of the war in Spain, and the expedition to Thoulon. After some time the House was resumed. And the lord Herbert reported, "That the Committee of the whole House had come to the Resolutions following; viz. It is the opinion of this Committee, that no peace can be honourable or safe for her Majesty and her allies, if Spain and the Spanish West Indies be suffered to continue in the power of the House of Bourbon."

15° *Maii* 1711. Resolved, That the applying any sum of unappropriated money, or surplusages of funds, to uses not voted, or addressed for by parliament, hath been a misapplication of the public money.

17° *Aprilis* 1718. The earl of Clarendon, according to order, reported from the lords committees, appointed to examine and report to the House, what sums of money have been issued, or ordered to be issued, out of the Chamber of London, for the prosecuting, defending, or maintaining, certain causes on writs of error lately depending in this House, wherein Bolton and Bridgen were plaintiffs, and Jeffs defendant; and the same parties plaintiffs, and king defendant, or any other causes of the like nature, for such time past as the committee shall think proper; and by what warrant or authority, and on whose application.

Which report being read by the clerk, and consideration had thereof, it was proposed, "To resolve, That it is the opinion of this House, that the common councils of London, having issued great sums of money out of the Chamber of London, in maintaining several suits at law between citizen and citizen, relating to controverted elections, have abused their trust, and been guilty of great partiality, and of a gross mismanagement of the city treasure, and a violation of the freedom of elections in the city." And a question being stated thereupon, after debate, the previous question was put, "Whether the said question shall be now put?" It was resolved in the affirmative.

Then the main question was put, and resolved in the affirmative.

5° *Julii* 1721. Resolved, That no special bail be required in any action brought, or to be brought, upon any contract made since the 1st of December 1719, and before the 1st of December 1720, for the sale or purchase of any subscription or stock of the South Sea company, or any other company or corporation, or pretended company or corporation.

Resolved, That no execution be awarded upon any judgment obtained, or to be

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obtained, in any action brought, or to be brought, upon any contract for the sale or purchase of any subscription or stock of the South Sea company, or any other company or corporation, or pretended company or corporation, until the end of the session of parliament which shall be next after the 29th of September next.

19° *Aprilis* 1753. In the report from the committee, to whom several petitions relating to the business of frame-work knitting were referred, are the following Resolutions; which were agreed to by the House:—

"Resolved, 1. That it is the opinion of this committee, that the by-laws of the company of the frame-work knitters, incorporated by a charter bearing date the 19th day of August, in the 15th year of the reign of king Charles the 2nd, are injurious and vexatious to the manufacturers, and tend to the discouragement of industry, and to the decay of the said manufacture. 2. That it is the opinion of this committee, that the powers granted by the said charter are hurtful to the trade, and tend to a monopoly. 3. That it is the opinion of this committee, that the carrying on vexatious prosecutions against any person, male or female, for exercising the art and mystery of frame-work knitting, is hurtful to the manufacture, and destructive to the trade of this kingdom."

22° *Aprilis* 1766. Resolved, That a general warrant for apprehending the author, printer, or publisher of a libel, is illegal; and, if executed on the person of a member of this House, is also a breach of the privilege of this House.

Resolved, That the seizing or taking away the papers of the author, printer, or publisher of a libel, or the supposed author, printer, or publisher of a libel, is illegal; and that such seizing or taking away the papers of a member of this House is a breach of the privilege of this House.

16° *Feb.* 1774. Complaint being made to the House of a letter signed "A South Briton," and printed in a newspaper (intituled, "The Public Advertiser, Wednesday, February 16, 1774," and purporting to be printed for "H. S. Woodfall, No. 1, the corner of Ivy-Lane, Paternoster-row;") and also printed in the newspaper (intituled, "The Morning Chronicle and London Advertiser, Wednesday, February 16, 1774," and purporting to be printed for "William Woodfall, No. 62, Dorset-street, Salisbury-court:") the said papers were delivered in at the table; and the letter contained in the said papers was read.

Resolved, *nem. con.* That the said letter is a false, scandalous, and traiterous libel upon the constitution of this country, and tending to alienate the affections of his Majesty's subjects from his Majesty and his royal family.

Ordered, That Mr. Attorney General do forthwith prosecute the author, printers, and publishers of the said false, scandalous, and traiterous libel.

4° *Martii* 1782. Resolved, That, after the solemn declaration of the opinion of this House, in their humble Address presented to his Majesty on Friday last; and his Majesty's assurance of his gracious intention, in pursuance of their advice, to take such measures as shall appear to his Majesty to be most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to the prosperity of both; this House will consider as enemies to his Majesty and this country, all those who shall endeavour to frustrate his Majesty's paternal care for the ease and happiness of his people, by advising, or by any means attempting, the further prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force.

28° *Maii* 1782. Resolved, That Warren Hastings, esq., governor-general of Bengal, and William Hornby esq., president of the council at Bombay, having, in sundry instances, acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company, it is the duty of the directors of the said Company to pursue all legal and effectual means for the removal of the said governor-general and president from their respective offices, and to recal them to Great Britain.

19° *Junii* 1782. In the Report from the committee of the whole House, to whom it was referred to consider of the several reports presented from the commissioners appointed to examine, take, and state the public accounts of the kingdom, there are the following Resolutions, which were agreed to by the House:—

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"Resolved, That it is the opinion of this committee, that the several offices of usher of the Exchequer, and of the chamberlains, and tally cutter, are useless and unnecessary, and ought to be abolished after the decease of the person or persons who now have a present or reversionary interest in the said offices."

"Resolved, That it appears to this committee, that it is too late in the present session of parliament to carry into effect a well-considered and permanent regulation in the several offices mentioned in the foregoing resolutions; but that it will be highly necessary, for the advantage of the public, for the increase of the revenue, and for the honour of this House, that, early in the next session of parliament, this House should enter upon the consideration of these subjects; and should adopt such measures, in the reduction or regulation of these useless or expensive offices, as shall appear most consistent with that plan of economy recommended to this House by his Majesty, in his message of the 15th day of April last, and which has been so graciously adopted by his Majesty in the reform and regulation of his Majesty's civil establishment."

"Resolved, That it is the opinion of this committee, that if, during the recess, and before the meeting of the next session of parliament, any of the said offices of auditor of the Exchequer, clerk of the pells, tellers of the Exchequer, usher, chamberlain, or tally cutter of the Exchequer, should become vacant by death or otherwise, it will not be expedient or proper for any of his Majesty's ministers to advise the granting of, or to grant the same, either in possession or reversion, with such fees and perquisites as are now annexed to the said offices, but with a fixed and permanent salary, and under certain conditions, until this House shall again have had an opportunity of taking the reform and regulation of the said offices into their more serious and deliberate consideration."

30° *Maii* 1783. Resolved, That it is the opinion of this House, that his Majesty's ministers ought not to grant, or advise the granting of any patent offices in the customs, in possession or reversion, otherwise than during pleasure, between this time and the meeting of the next session of parliament.

As soon as the Report was read,

Mr. *Dundas* said, it was impossible for gentlemen, from the cursory manner in which they had heard the report read, to be able to determine at that moment how many of these precedents applied to the end for which they were extracted from the Journals; some delay was necessary for the purpose of affording gentlemen time to look into the history of the different transactions on which these precedents were founded. He therefore moved, "That a sufficient number of copies of the said Report be printed for the use of the members."

The *Solicitor General* seconded the motion. He said, this was a business which concerned the public at large; and they ought, therefore, to be made well acquainted with the grounds on which the House was about to proceed. It was necessary, also, that gentlemen should have time to consider the precedents adduced. To his mind many of them appeared to have not the least relation to the resolutions of the Lords, which were the objects to which they were supposed to point.

Lord *Beauchamp* said, he had no objection either to go into the business then, or defer it till to-morrow: whenever he should do it, he would endeavour to point out the tendency and bearings of the different precedents that had been collected by the committee.

Mr. *Fox* was willing to allow of a delay; but he did not think it ought to go beyond to-morrow. The printing, however, would necessarily occasion a greater delay.

Lord *North* said, the House of Commons held its privileges only in the name of the people; and consequently gentlemen could not but be jealous of rights, of which they were the guardians and trustees for their constituents: but still it was not necessary, that at this moment a manifesto should be published; the House should first proceed, and having come to a decision, then it might not be improper to publish the whole of the proceedings.

Mr. *Pitt* said, that he wished not for any delay, but he thought, that in so serious a matter, the House ought not to act with any thing like precipitation.

The question was put, and carried; and the Report was ordered to be taken into consideration on Monday.

Debate on Lord Beauchamp's Resolutions respecting the Exercise of Discretionary Powers, &c.] February 16. The order of the day, for taking into

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consideration the Report of the Committee appointed "to examine into the usage of either House of Parliament, to interpose touching the exercise or non-exercise of discretionary powers vested in the servants of the crown, or in any body of men, for public purposes," being read; and the Resolution of the House of Lords of the 4th of February being also read,

Lord *Beauchamp* rose to move his propositions, in consequence of the resolutions of the other House. Now, he said, that the Report of the Committee appointed to search the Journals was in every hand, they would be able to inform themselves fully on the rights of the House, with regard to their control and guardianship of the public boards. The resolution of the House of Lords was, as he had already stated, of a nature so truly alarming, that they could not sit under it in tame acquiescence. At the same time, it was not his wish to bring forward any proposition which should create dissention between the two Houses. Perhaps the other House had not been equally cautious and considerate; or else, when they referred to a resolution on their Journals of the 27th of February, 1704, declaring it to be illegal in either of the branches of the legislature to suspend the operation of an act of parliament, they would have turned to the next page, where they would have found a resolution declaring, that it was the duty of the House, in case of any difference of opinion on any point resolved by the other House, to desire a conference, in order that they might learn the reasons upon which the House had acted, before they proceeded to give their opinion on the matter. This, he said, he should have expected from them, as the means of preventing discord and division between the two Houses. It was not the business of either House to pass abstract resolutions. The tendency and intention of all their proceedings should be manifest. This, he believed, he might venture to say was a duty which that House constantly kept in view, and in all their resolutions uniformly practised. In their late resolution to which they came, *nemine contradicente*, "that a firm, efficient, extended, and united administration could alone put an end to the present dissentions, and restore harmony and give vigour to the state," every one saw at what it aimed; every one was able to explain its meaning, and acknowledge its force; every one saw that it evidently implied that the present administration did not possess the qualities which that resolution declared to be essential in our present circumstances. The other side of the House joined in the resolution, and in so doing, they acknowledged that the present administration was not firm, was not efficient, was not extended, was not such an administration as could restore harmony or vigour to the state. Was the resolution of the House of Lords on the 4th instant equally perspicuous? That resolution declared, "That an attempt in any one branch of the legislature to suspend the execution of law, by separately assuming to itself the direction of a discretionary power, which, by act of parliament, is vested in any body of men, to be exercised as they shall judge expedient, is unconstitutional." Had they attempted, by the resolution of the 24th of December, to suspend the execution of the law? Had they assumed to themselves the direction of a discretionary power? No; they had barely assumed the right of giving a monition on the board of Treasury in a matter which most nearly concerned public credit, and the purses of their constituents. They had done this at a time which required their interference, and when, if they had failed to give the admonition, they would, in his mind, have failed in the performance of their duty. One of their first and most ancient duties it was to watch over the conduct of the public boards, and to give them such seasonable and previous advice, as they in their wisdom should think necessary to the maintenance of the public funds, and to the prevention of heavy burthens on the people. They had always interfered with their advice. They had passed monitory resolutions in terms infinitely more authoritative than a late resolution; and it was to be remarked that even in the present moment, when the House of Lords seemed to watch their proceedings with so jealous an eye, this was the only resolution to which they objected. All the other resolutions, therefore, which they had lately passed, met with the approbation of the House of Lords. To prove that this exertion of their authority was perfectly legal and customary, that it sprung from an unquestioned privilege, the committee appointed to search the Journals had made their report of a variety of precedents, some of which went much farther than the present resolution. The committee had been careful to take no precedent from any period of our history which might be called a time of violence; they had therefore

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omitted many which they might have brought forward; but those they had adduced would be respected as precedents of authority which ought to guide that House. It was not his intention to call them to the consideration of all the cases in the report; but some of them were so remarkable, and so clearly adapted to the case now questioned, that he could not help drawing their attention to them. The first which he would mention was in the year 1628, a period of our history to which he was certain no gentleman would object. The resolution on the Journals was, "12° Feb. 1628. Mr. Shervyle reporteth from the committee for tonnage and poundage, that a great stop to it, the detaining the possession of the merchants goods, and the stay of their proceedings, by injunctions in the Exchequer-chamber. That the committee hath resolved to send a message to the court of Exchequer: and a draught of it, &c.—Upon question a message to be sent from this House to the court of Exchequer, to the effect of the draught now read, &c." The noble lord said the purport of the message was, that these injunctions in the Exchequer-chamber were exceedingly injurious. They ordered them to be taken off, and in consequence of this message the practice complained of was altered. Every body knew the persons concerned in this famous interference. Mr. Shervyle was remarkable, as being of all other men in his day deeply versed in the law and constitution of the country. The noble lord then related another case not in the report, after which he came to the resolutions extracted from the Journals of the year 1680. In this year the Commons interfered, and gave their advice in two memorable instances. The first was with respect to anticipations of the revenue, and the resolution was as follows: "7° Jan. 1680. Resolved, *nem. con.* that whosoever shall hereafter lend, or cause to be lent, by way of advance, money upon the branches of the King's revenue arising by customs, excise, or hearth-money, shall be judged to hinder the sitting of parliaments; and shall be responsible for the same in parliament.—That whosoever shall accept or buy any tally of anticipation upon any part of the King's revenue, or whosoever shall pay such tally hereafter to be struck, shall be adjudged to hinder the sittings of parliaments; and shall be responsible therefore in parliament." Here, he said, there was as clear an interposition of their opinion as could well be imagined, and it was by such seasonable and well-directed cautions that that House had been able, at all times, to guard the public purse. The other precedent in the same year was, "10° Jan. 1680. Resolved, *nem. con.* that it is the opinion of this House, that the prosecution of Protestant Dissenters upon the penal laws, is, at this time, grievous to the subject, a weakening of the Protestant interest, an encouragement to Popery, and dangerous to the peace of the kingdom." The noble lord related the historical circumstances of this remarkable exertion of their privilege, and said he would not trouble them with any other remote cases, but would mention two or three that came within the observation of themselves, as being passed in their own time. He said they must all remember them, and they were passed with so much unanimity, that though some of them, when read by the clerk, had occasioned smiles from certain members, they were what he believed all sides of the House would pay respect to. One of them was moved by a learned gentleman on the Treasury-bench, (Mr. Dundas). Those which followed one of the reports from the commissioners of public accounts, came from his noble friend lord John Cavendish; and the last from the present Chancellor of the Exchequer. Those were the resolutions for the recal of Mr. Hastings, &c. and for the abolition of certain useless offices in the Exchequer, which were made on the 28th of May and 19th of June, 1782. These were cases in which the House had interposed its voice, surely as authoritatively as they had done in the present instance; for they had not now suspended law; they had not now given any other suspension than a solemn advice; and certainly a solemn monition and advice of that House would, as it ought, have its influence on any public body of men in the kingdom.

He said it was his intention to propose to the House six Resolutions, and he would read them. His lordship then read his six Resolutions as follow:—

1. "That this House hath not assumed to itself any right to suspend the execution of law."

2. "That it is constitutional and agreeable to usage, for the House of Commons to declare their sense and opinions respecting the exercise of every discretionary power, which, whether by act of parliament or otherwise, is vested in any body of men whatever for the public service."

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3. "That it is a duty peculiarly incumbent upon this House, entrusted by the constitution with the sole and separate grant of the public money, to watch over, and by their timely admonitions and interference, to endeavour to prevent the rash and precipitate exercise of any power, however vested, which may be attended with any danger to public credit, or with heavy losses to the revenue, and consequent burthens upon the people."

4. "That the Resolution of the 24th of December last, which declared the sense and opinions of this House, 'That the 'commissioners of the Treasury ought not 'to give their consent to the acceptance 'of any bills drawn, or to be drawn, from 'India, until it shall be made to appear to 'this House that sufficient means can be 'provided for the payment of the same, 'when they respectively fall due, by a 'regular application of the clear effects of 'the Company, after discharging, in their 'regular course, the customs and other 'sums due to the public, and the current 'demands upon the Company, or until 'this House shall otherwise direct,' was constitutional, founded in a sense of duty towards the people of this kingdom, and dictated by a becoming anxiety for the preservation of the revenue, and the support of public credit."

5. "That if this House had, in the unsettled state of the East India Company, which was, and still is under the consideration of parliament, in order to form some provisions for the relief of that Company and the security of the public, neglected to pass the said Resolution of the 24th of December, to guard against a new charge, to a very considerable amount, being rashly incurred, before any means of answering it had been stated or provided, they would have been justly and highly responsible to their constituents for the increase of those evils and difficulties which are already too severely felt."

6. "That this House will, with the utmost moderation, but with the most decided firmness, maintain inviolably the principles of the constitution, and will persevere in the diligent and conscientious discharge of those duties, which they owe to their constituents and to their posterity; equally solicitous to preserve their own privileges, and to avoid any encroachments on those of either of the other branches of the legislature."

His lordship concluded with moving the first Resolution.

Sir *Grey Cooper* said, the clear and manifest object and purpose of the Lords Resolution, then under the consideration of the House, was to impress the minds of the people with a persuasion that that House had, by its Resolution of the 24th of December last, transgressed the limits of the power and the rights allotted to it by the constitution. The inevitable consequence of it was to degrade the character, and to diminish the just weight and authority of that House, to lower the value of its confidence, and to justify the disregard with which its resolutions had been, and continued to be treated, even by its own members, contrary to the practice and example of all former times. Sir Grey said, he was not at liberty to suppose or suggest that it was the deliberate intention of the House of Lords, that their resolution should have such a tendency and such a consequence, because he was not yet at liberty to conceive that a majority of the Lords would consent to lend their dignity, the fame of their wisdom, and the mighty space of their great honours, to serve the purpose of a temporary expedient, or to answer the spur of a particular occasion. He could not yet believe that they would condescend to compromise the most essential rights and privileges of parliament for an object and a question so comparatively slight and trivial as the removal or continuance in office of any minister, or any set of men; they must, therefore, by the rules of parliamentary candour and decorum, take it for granted, that this interposition of the Lords was made on the broad public ground of their anxious and vigilant care for the conservation of the constitution; and he would not hesitate a moment in giving his full assent to this concession, if, as was observed upon the opening of this matter with the usual acuteness and penetration of the honourable member who made the observation, the Lords had not withheld their censure of that House's pretended breach of the constitution, from the 20th of January, the day on which they met after the recess, to the 4th of February; and if their anxiety for this important public consideration had not slumbered, until it was roused by certain resolutions which were moved and voted by the House, to the displeasure and offence of his Majesty's ministers.

He could not forbear observing, by the way, how singular it was, that their lordships should have been pleased to select

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and mark out this resolution of the 24th of December last, for the object of their animadversion. In the days of high prerogative, that House had been enjoined not to meddle with matters of state, and had been told by kings and by chancellors, that religion and the affairs of the church were above the understanding of the Commons; but it was reserved for these times to condemn the House of Commons for declaring its opinion on the exercise of a discretionary power, on which might depend the state of public credit, the amount of the supplies of the year, and the necessity of laying heavier burthens on its constituents. It was some consolation however to them, that although the thunder was directed against them by powerful eloquence and formidable abilities, they were covered by the ægis of Minerva; that among other great and respectable peers, the lord chief justice of England, of as high and consummate talents, knowledge, wisdom, and experience, as ever sat on the bench or in the senate, and that another great law lord, whose power of eloquence and reasoning, whose shining abilities, and whose particular attention to the law and usage of parliament, that House had often listened to with pleasure and instruction, opposed, spoke, and voted against this resolution.

They were, sir Grey declared, now upon their justification in the issue which was joined by the fourth resolution which had been moved by the noble lord, and they made it with the same temper and moderation which had hitherto accompanied all their steps in this business, and which was so wisely recommended to them when they first received an authentic account of the charge exhibited against them; they had given time for those sensations which naturally rose upon a sudden, unexpected, and, as they conceived, unprovoked attack, to subside and to be composed; and they trusted that they were now proceeding with that cool and calm constancy of mind, which most became every private man, and every body of men, when they were engaged in any arduous contest, and particularly in the article of any imminent danger. It must be admitted, that the best rule for deciding the question in issue between the Lords and the House of Commons, was the law and usage of parliament; and that the best evidence of that law and usage were frequent and authentic precedents, drawn from good times: but besides the authority of precedents, they conceived that their resolution of the 24th of December last was justified on the clearest ground of principle and reason, and that the power, which was so heavily censured, was, by the principles of the constitution, necessarily inherent in both Houses of Parliament; that it was essential for that House to have such a power in the execution of the trusts reposed in it by its constituents; in its superintendency of executive government, and of the acts of those who can and may do wrong; in its inquisitorial character, and in its guardianship of the public revenue; and, above all, in its legislative capacity.

There was a principle, sir Grey said, which pervaded and illustrated all the precedents: in all cases, and in every manner, upon which any proceeding had been instituted, and when the House was in the progress of any inquiry, upon the result of which either a charge might be formed or a bill brought in, and there arose a just apprehension that the purpose of that inquiry might be defeated or perplexed by the exercise of any discretionary power vested by law in any person, or in any body of men; or where, without any previous inquiry, it should appear to the House, that the public safety or interest might incur any danger, or the religion, revenue, or commerce of the kingdom might suffer any prejudice by an improvident exercise of such powers, the House had been in the immemorial, and hitherto uncontroverted use and practice, and had considered it as its duty to interpose by resolutions, declaratory of its opinions, and as notifications of the sense of the House, of the particular circumstances of the case, which might be thought proper for its interposition, by way of advice, warning, or monition to the servants of the crown, and to all others, to whom discretionary powers were trusted for the public service, and even in some special cases to the courts of justice. That House had never assumed, or attempted to assume, a right to suspend the execution of law, or the exercise of discretionary powers; but it did claim a right, and contended that it could not execute its trusts without such a right, to pass monitory resolutions on the exercise of such powers, and to declare its opinion that they ought not to be exercised in the situation and circumstances of things at the time of passing the resolution, or until the House should take the matter under its farther

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consideration. If those who had the power, did not take the advice or warning of the resolution, their acts were unquestionably good and valid in law, whatever might be the consequence to the public, or however those who did the act might be considered as responsible to the House for their conduct.

The noble lord had explained many of the precedents with great clearness and precision, and he requested the permission of the House to comment upon two or three of them, which appeared to him to require some farther explanation. The precedent of the 12th of February, 1628, was very imperfectly stated in the Journals, and they must have recourse to the history of the times, and to Rushworth's Collections, to enable them to understand the ground of the message that appeared to have been sent to the Exchequer on that day. King Charles the 1st, as was well known, had levied the duties of tonnage and poundage without the consent or grant of the Commons. Whilst the House was sitting on the grand committee on tonnage and poundage, petitions were presented from sundry merchants, complaining that their goods were detained by the customers for non-payment of duties, and by injunctions from the court of Exchequer. Mr. Noy moved, "That a message be sent to the Exchequer, that whereas certain goods of the merchants had been stayed by an injunction from that court by a false affidavit, and that, upon examination, the customers that made the affidavit had confessed that the goods were only stayed for duties contained in the book of rates, and therefore the court would make void the orders and affidavits in this business." Mr. Selden seconded the motion of sending a message to the Exchequer, and declared a precedent of a message sent into the Chancery for stay of proceedings in a cause, and it was obeyed.* Whatever answers the judges returned, it could not prejudice: the law spoke by records, and if those records remained, it would to posterity explain the law. The court sent two answers, which were not satisfactory to the House, and the House proceeded against the customers.

The Bedford Level precedent seemed to him, when explained, to be apposite to bear upon the ground of the present question. The Bill for settling the draining of Bedford Level was presented to the House in March 1663. Since the time of the first incorporation of the earl of Bedford and his adventurers, and participants in the great level, by act of parliament of the 7th of Charles 1, great sums of money had been laid out in the drainage; and commissioners appointed by an act during the republic in 1649, had adjudged that the same was drained: but great disputes and controversies having arisen, and the metes and bounds of the land within the said level, as to the counties and parishes, being very difficult to ascertain, and hard to be distinguished, it was the object of this Bill to form a better government and judicature for a matter of such public concernment, and, as the preamble recited, many ways advantageous to this kingdom. The Bill was retarded by many delays and contentions, and hearing of counsel; and in the progress of it, ejectments were brought for part of the lands, in order to obtain judgment before the Bill could pass. On the 20th of June the order was made, that the provisions of the Bill, which were calculated to form a better government for the great public concern, might not in any part be defeated. When the Bill passed, there was an end put to all such suits, for a new judicature was established to hear and determine all differences in a summary way. The next sir Grey stated was, Deane Forest, 1667. The matter was then under consideration; a bill passed the year following for inclosing 10,000 acres in the said forest, and for the preservation and increase of timber within the said forest.

The precedent of the orders to the Attorney General to prosecute. This was, in his humble opinion, a strong and powerful precedent. In the first year of king William, the power of the Attorney General to file informations *ex officio*, was called into question in the King's-bench, by sir Francis Winnington; but no encouragement was given to his argument by the court in which Holt presided. By the 4th and 5th of king William, the clerk of the crown was to exhibit no informations, except by order of the court; but by a clause at the end of the act it was declared, that act should not extend to any other informations than such as were, or should be, exhibited by the master of the crown office. By this exception, the power of the Attorney General to file informations *ex officio* for crimes and misdemeanors, was acknowledged by parliamentary recog-

* See Vol. 2, p. 467.

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nition. The discretion was vested in him of filing informations in proper cases. He was responsible for the exercise of that discretion. Upon cases and matters and evidence, examined in that House, they directed his discretion, and took away his responsibility, because they deemed it for the public service so to do. But the case now in question was the most important for them to examine accurately, and to be sure they were right, and upon clear ground. To understand this matter, and the ground of it, they must go back to the original proceedings in the secret committee in 1773, and laid before this House in their 8th report, on the 11th of June, 1773. Sir Grey stated the precedents of January 10, 1680, which was after the rejection of the Exclusion Bill by the House of Lords. Lord Cavendish, Mr. Montagu, lord Russell, serjeant Maynard, and sir William Jones, and the band of patriots that followed them, moved, 24th of December, 1680, a bill for exempting his Majesty's Protestant subjects, dissenting from the Church of England, from the penalties of certain laws, or in other words, to repeal the Act of the 35th of Elizabeth. This Bill was passed by the Commons, and, with some alterations, agreed to by the Lords. On the day on which that resolution was passed, the king came suddenly to prorogue the parliament. The Bill for the relief of the Protestant dissenters was, in the words of the publisher of Anchitell Grey's debates, by a court juggle, or as some say, by the king's express command, not presented by the clerk for the royal assent; so the non-conformists had nothing but the bare opinion of the Commons to shelter them from the indignation of the crown. The parliament sat again at Oxford in March 1681. On the first day they moved an inquiry into the secret and treacherous art by which this Bill was lost; but the parliament was suddenly dissolved, and in the famous declaration which was published soon after the dissolution of this last parliament of his reign, this vote was arraigned, and the king's ministers, who durst not advise him to give his constitutional negative to the Bill, had the confidence to appeal to the people against the House of Commons upon the matter of the resolution. The words were nearly the same as the Lords had used in the present resolution, that they had, without any regard to laws established, assumed to themselves a power of suspending acts of parliament. Sir William Jones, in his answer to the Declaration,* defended the vote in the following words: "The House of Commons are in the next place accused of a very high crime, the assuming to themselves the power of suspending acts of parliament, because they declared that it was their opinion that the prosecution of Protestant dissenters at this time was dangerous to the peace of the kingdom." The ministers thought it would be very popular to accuse the Commons of this attempt; but how they could possibly misinterpret a vote at that rate, how they could say the Commons pretended to a power of suspending laws, when they only declare their opinion of the inconvenience, required explanation in a second declaration.

In the eighth report from the committee of secrecy laid before the House on the 11th of June, 1773, it was stated, that the then present distress of the Company in England for want of cash was principally owing to the great quantity of bills drawn by the Company's presidencies in India, and accepted in England, between the 1st of March 1771, and the 1st of March 1772. That the directors, sensible of the difficulties to which the Company's affairs in England must be exposed for want of cash if the bills drawn upon them exceeded a certain amount, had by repeated orders limited their presidencies to certain sums. It appeared by the report, that permission by the letters from the directors in 1768, amounted to 212,000*l.* from Bengal, and by the letters in 1769, to 228,000*l.*; but the bills drawn in the season 1770, amounted to 1,063,000*l.* excess above the order 834,000*l.* The report then stated the excess of bills above the orders from Fort St. George, Bombay, Bencoolen, and China. The House took this report into immediate consideration; and the Bill being then in the House for granting the sum of 1,400,000*l.* for the relief of the East India Company, the clause which was the basis of the limitation of the amount to which the Company might bind itself by the acceptance of bills from their several presidencies, was inserted in that bill. The estimate of 300,000*l.* per annum was formed from the report; and when the clause was proposed and opened by the very able and learned

* Intituled, "A Just and Modest Vindication of the Proceedings of the two last Parliaments of King Charles II." For a Copy of this curious Tract, see Appendix to Vol. 4, No. 15.

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member who had the conduct of the Bill, he stated that the discretionary power was vested in the lords of the Treasury, merely to obviate and to prevent the necessity of the Company's refusing the acceptance of any of the bills drawn from the different presidencies, if in any year there should be an excess of the sum of 300,000*l.* limited specifically by the clause. Upon this discretionary power of the lords of the Treasury so vested in them by the act of 1773, and afterwards, with some variation, re-enacted in 1781, the House came to the monitory resolution then under consideration.

Let us, then, review the situation and circumstances in which the House stood at the time of passing this resolution, which was deemed so high a crime. The first India Bill had just been rejected, no matter by what means. The House was upon the point of an adjournment for a fortnight. Accounts of the immense amount of the bills drawn on the Company, which remained unaccepted, were before the House and in their contemplation. There was an alarming nota bene at the foot of that account, that upwards of two millions more might be expected to be drawn for within a certain period. There was no minister of finance in the House, and the bill holders were known to be very active and to have great influence. The House thought it their duty to pass the resolution, as a warning to the new treasury, that they might not be surprised into a consent to acceptances, which might throw the money matters of the kingdom into great confusion and perplexity. The payment of the customs, the debt of which created the deficiency in the sinking fund, might be construed to be postponed to a more distant day by such a consent, and all plans for the paying off or providing for the unfunded debt, might be traversed and obstructed by this House being obliged to lay taxes on the land, the trade and the manufactures of the kingdom, for enabling the Company to pay those bills, before any act was passed for the better government and management of the affairs of India, and for the protection of thirty millions of people. With respect to the words of the resolution, and the stress which it seems was laid on the close of it, "or until this House shall otherwise direct," he considered it was a mere philological inquiry, and a criticism on the import and signification, which if they were not beat from their obvious and natural meaning into somewhat like a cavil, meant no more than until that House should take the matter into their farther consideration, or until farther order taken, which were the words at the close of some of the precedents. Upon the whole, he hoped and trusted, they stood justified in passing the vote before them, upon the clearest ground of usage, precedent, principle, and duty; and that this monitory resolution, instead of being censured and held up to public resentment, was a meritorious act, and deserved the thanks of their constituents.

Mr. *Macdonald* said, that that House could only maintain its true dignity and importance by taking care that their resolutions were always founded on legal principles, and that their tendency was strictly constitutional. They should remember that they had frequently been doomed to repentance and shame for hasty and inconsiderate measures. There had been cases where the judges had come to their bar, and had convinced them that their proceedings were not founded in law, and that they were on the contrary directly hostile to it. In the present case he thought them in the wrong. The resolution, if it meant any thing effectual, meant to suspend the exercise of a discretionary power; for it declared that they should not exercise it until they were so directed by that House. It went farther, in his mind, than any one of the precedents contained in the report; and the particular cases pointed out by the noble lord and hon. baronet were not by any means in point. They must always examine the context and history of every case which appeared on their Journals, in order to come at its real meaning. Of these precedents in the report there were several which by no means concluded favourably to the present question. The history of the first could not be learned from the resolution. That House called on the university of Cambridge to give an account of their manner of proceeding in their election of the duke to be their chancellor, which had given just offence to the House. On this resolution the crown sent a message to the House, intimating that it was his immediate prerogative to superintend the election of a chancellor to the university of Cambridge. The Commons returned an answer to this message, stating that the ground of their resolution was, that at the election, words had been thrown out

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highly reflecting upon that House. In reply to this, the king told them, that that indeed was their business, as the election was his. The learned gentleman then mentioned as a matter very curiously introduced as a precedent, the case of the Halfalls and Walter, the 15th of June, 1661, on whose account a resolution passed touching the duties on ballast. But a few days after the passing of this resolution, Mr. Walter, who was the subject of it, was impeached by the House of Lords. He stated that there was a case which evidently came more home to the question now at issue than any of those mentioned by the former speakers. It was from the Lords Journals of the 17th of April, 1718, and was against the city of London, for presuming to squander the city cash in maintaining litigious prosecutions between citizen and citizen, relating to controverted elections, and declaring that they thereby had been guilty of great partiality, of gross mismanagement, and a violation of the freedom of election in the city. This resolution had more resemblance to the present than any other in the report, and he appealed to the House whether it was a resolution which they would wish to follow?

Mr. *Grenville* made a comment on several of the precedents, and endeavoured to shew that many of them were not in point, and by no means calculated to support the resolutions founded on them.

Mr. *Erskine* said, that if there were any disposed to twist the meaning of words to the worst purposes, to trifle with the dignity of the House, to sacrifice its honour to their prejudices; if there were any animated by such base motives, and distinguished by so mean a practice, they could scarcely misconceive or misapply the resolutions which had been moved by the noble lord. They contained an assertion of its privileges and vindication of its rights. He was astonished that any person should have introduced the sentiments of a noble lord (Mansfield) in the other House, as approving of a resolution which had passed there, and which in its application was an attack on the prerogatives of the House of Commons. The opinion of that noble lord had been misconceived and misstated. He had had the honour of witnessing his lordship give his sentiments on the motion that had been made, before it passed as the resolution of the House of Peers. That noble lord, whose ideas on every subject were clear and judicious, who possessed a discernment superior to almost all others, had decidedly said, that the resolution was weak and foolish in the abstract; that it was wicked in its application; it had a tendency to produce disunion between the two Houses of Parliament; and in this view ought to be rejected, as unfriendly to good government and the safety of the constitution. Such were the sentiments of the noble lord: agreeably to these sentiments he had voted. He was therefore surprised that any gentleman should derive authority from, or shelter himself under the opinion of the noble lord.

He then entered into a detail of the circumstances of the India Company, and stated the resolution of the House as applicable to that body. The resolution to which particular allusion had been made, was no act of parliament, neither was it, what was more, paramount to an act of parliament; it only expressed the sentiments of the House respecting a discretionary power, which, by the decision of all the branches of the legislature, was invested in the Treasury. It did not enact that the lords commissioners should not accept such and such bills, but declared it to be their opinion that they ought not to accept them. Was there not, then, a material difference between these two ideas, and between these two modes of expression? What were words but the signs of ideas? If, therefore, he was entitled to judge of the propriety and meaning of the common signs employed for that purpose in this country, if he understood any thing of the precision of the English language, and he thought himself as well entitled to judge of this point as his learned friend (Mr. Macdonald), he could not but assert that these two modes of expression were *toto cælo* different, and in no respect whatever authorized the comment which had been put upon them. The resolution of the House of Commons, therefore, to which reference had been made, did not tend to confine or cripple the lords of the Treasury, but to assist them with the most salutary advice in the discharge of a trust in which the happiness of the East India Company, and with this object the interest of the nation was essentially involved.

He next adverted to the circumstances of restriction to which this friendly advice of the House of Commons was subjected. It was not altogether an arbitrary monition

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which had been tendered to the lords of the Treasury by the House of Commons. They were advised not to accept any bills above the sum of 300,000*l.* till such time, in the first place, as they saw that the Company had funds for the payment of them; or, in the second, till such time as the House shall see fit to direct. These were the two grounds on which they were to exercise the discretionary power with which they were invested by act of parliament, and surely no person could have the effrontery to assert that there was any thing arbitrary, or any symptom of usurpation in such a resolution of the House. This resolution, in its operation, did not invalidate the procedure of the Treasury on the idea that they had been diametrically opposite to it. Supposing they had accepted bills beyond the sum specified by act of parliament; supposing they had exercised their discretionary power to so great a length, would this exertion have rendered their conduct illegal, or destroyed its efficacy? Quite the contrary. Their procedure would still have been authorised, as countenanced by the authority of law. To say, therefore, by such a resolution they were bound up, that their operations were cramped, was in the highest degree absurd. To support this hypothesis, much stress had been laid on the word 'direct.' But upon what system of interpretation could it be made to support so vague a supposition? Upon no other than that of a dictionary definition, which commonly contained a direct signification of words, without any respect to context.

He next stated the prerogatives of the crown as established by common law, as being more permanent and efficacious than all the other species of prerogative as described by statute. But though the crown enjoyed peculiar privileges on such a foundation, the House of Commons possessed similar rights founded in consuetude and the principles of the constitution. These more especially extended to the national purse. The great earl of Chatham was of opinion, and had publicly avowed, that a jurisdiction of this nature belonged to the Commons. This great and illustrious character, whom he had always listened to with astonishment, had avowed and supported this doctrine. On this ground the House of Commons had surely a right equal, if not superior, to tender their advice to the lords of the Treasury, on a subject which touched the pecuniary concerns of a large body of merchants in this kingdom. This, however, they did not do in all the austerity, and with all the rigour and sanction of legislative authority. They had not placed the lords of the Treasury in the same situation with that of a servant, to whom they might say, go, and he goeth. They had not acted towards them in the same dogmatical and haughty manner as the wise lords in the other House had decided on the resolution of the Commons, but had given them a salutary and friendly advice, with respect to their mode of treatment of the pecuniary concerns of a Company, with whose interests they were in a certain degree charged. He asserted, that the precedents which had been laid before the House, furnished ground for the interference of the House with respect to all the prerogatives of majesty, and even in the feudal tenures of majesty, which were the most ancient, and of course the most sacred. He knew of the exercise of no regal privilege, in the regulation of which the House was not entitled to interpose, and had not, in fact, interposed its advice. The late resolution was therefore no innovation, but authorized by the most ancient procedure.

He would not on these accounts dwell on a long discussion of these precedents, but would come to a recent date of our own time, and which would at least form an *argumentum ad hominem* to a learned gentleman (Mr. Dundas) who sat opposite to him. This precedent alluded to the resolution of the House respecting Mr. Hastings. The power of recal of that gentleman was surely legally vested in the court of directors, and if this prerogative vested in them, the power of continuing him in office was also reposed in them. For if they did not recal him, he must continue, unless he voluntarily resigned. But what had been the procedure of the House respecting that gentleman? Had it not voted that it was the duty of the directors to recal him? And who had laid the foundation of this resolution? Who had in a manner moved it in the House, and carried it to the conviction and satisfaction of almost every person, but the learned gentleman who sat opposite? Would that hon. member, then, give up all that respect and glory he had acquired by this transaction, for the purpose of degrading the dignity, and vilifying the honour of this House? Would he by one degrading act resign all his merits, that

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he might support a ridiculous truism of the House of Peers? He was not surprised to see ministers who were retaining their seats in open defiance of the House of Commons, joining issue with the other House in destroying those precedents which had existed from the birth of the constitution, and in insulting and slandering an authority which they avowedly despised. Such sentiments and conduct might naturally be expected from such men; but was the House prepared to support them? Was it ready to submit itself to this innovation in the constitution, the erection of a court of Exchequer into that of a King's-bench? This was a novelty in our system which our forefathers had not known; Lloyd, Selden, and Lyttleton, were ignorant of it. And what have been the pitiful tricks employed to support a set of ministers who had defied all the jurisdiction of the House. Had they not employed all the tricks which artifice could suggest, and endeavoured to procure addresses in their favour by all the means of popular stratagem and public imposture? In what did those prejudices originate which had been formed against the late administration and his right hon. friend (Mr. Fox), but in misrepresentation and falsehood? Had not every method been employed to heighten them, and to foment them by imposture? Such were his opinions on this subject, and such were the opinions which in that House he was in order to avow. Were the people in every instance capable or entitled to judge of public affairs? In matters of extensive concern, and of intricate speculation, they were not. Was not the House of Commons in these instances to judge for them? It was, however, the artifice of some men, and of particular parties, on occasions of such a nature, to blind and prejudice the public. This manœuvre had lately been practised with respect to the India Bill. How few of mankind were able to judge of its properties? Yet, how many phrases, such as chartered rights, invasion of property, &c. had been got up as popular watch-words on the occasion; and what was now the subterfuge of ministry, under these forms of popularity, in the maintenance of their office? "Suffer us," say they, "to remain till such time as we are tried—till such time as we are chargeable with crime." But how pitiful is the pretext? Does not their conduct resemble a species of burglary, or that of a villain who enters my house with an intention to purloin my goods? Such a fellow I seize by the throat, I threaten him with all the severities of justice; he, however, insists that he has done no harm—he even intreats permission to be allowed to continue till such time as he is chargeable with a fault, or perhaps has audacity to propose a coalition with me, as the best atonement he can offer for the injuries he meant.

Mr. *Dundas* said, that after so much declamatory and inflammatory language, he would not venture to make a speech, but only to throw out a few observations. He observed, that with respect to the privilege and prerogative of the House of Commons, and of the other branch of the legislature, to give advice to the Treasury, all were agreed; but he figured an instance in which both these parts of the constitution gave a different advice. In this instance what would be the conduct of ministers? The resolution alluded to, he did not consider as binding in the same degree as a law. Still, however, it bound up the hands of ministers so far—it obliged them, in the acceptance of India bills in every instance beyond the sum of 300,000*l.* to consult the sense of the House. This was the embarrassment which it surely imposed on them. He would therefore propose an amendment on the fourth resolution, that a clause should be added to it, explanatory of the sentiments of the House respecting it, and of its original intention in the formation of it. He wished also that the fourth might stand the first, and the others would naturally follow from it as corollaries. On neither of these points would he, however, insist very strenuously.

Mr. *Fox* confessed himself much astonished at the speech of the learned gentleman, who, in his opinion, had acted the part of an able, and ingenious, though not a prudent, advocate for the House of Lords. He meant nothing invidious or personal by the term, but would appeal honestly and fairly to the House, whether, had their lordships meant to plead their cause at the bar of the House, they could have fixed on any one who could have managed the interests of his noble clients with more address. For what was the amendment proposed, that the House did not understand its own opinion? It was an explanation which virtually and substantially recanted the sentiment conveyed by the resolution. It was, however, to be remembered, that the House of Commons spoke not to the House of Lords,

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but to the lords of the Treasury, and that the Lords had signified their difference with the Commons for an exertion of those privileges which were their exclusive right; and the mode of blaming the resolutions which they had treated thus disrespectfully, affected every resolution of the House. It gave them all a colour of ambiguity and obscurity which they did not deserve. It lowered them in the eyes of the public, and made them speak a language which it was the interest of some that they should speak, but which, however, was foreign to their hearts. By how many stratagems was it endeavoured to produce this effect both within and without doors? A bill had been brought into parliament, which all acknowledged was founded on the most imminent necessity. Never did a more striking and tried majority stamp a greater sanction and value on any measure than that by which the Bill before Christmas was carried through the House. That Bill was, notwithstanding, lost. But how? Would any man assert, that the free, unbiassed suffrage of their lordships operated to that effect? In contempt, however, of the House in which the measure originated, and the illustrious majority who espoused it as their own, it was not only thrown out, but the ministers perished with it, and perished only, as it would seem, because they were supported by the confidence of that House. A new ministry was brought forward on the same principle; and were not these men held in office in direct opposition to that House, which never, in a similar case, had been disregarded without danger to the constitution? How was the strange unconstitutional step justified by those principally concerned? Not by vindicating their own conduct, but vilifying that of the House. Did it not seem an object to make the representatives of the people insignificant and useless? Were not his Majesty's present ministers called to office, maintained in office, and by every mean and vulgar artifice exhibited to the people, not as objects of respect and merit, but of innocence and pity? But what was the object of the constitution in vesting the House of Commons with the absolute, the unequivocal, and sole disposal of the public purse? Was it to endue that branch of the legislature with various separate and independent powers? No: for this peculiar prerogative the House of Commons possessed, not as a branch of the legislature, but as the representatives of the people, unconnected with any other powers or body of men whatever. In this distinguishing attribute of their delegated capacity, neither king nor lords had any right of interference. It was a trust connected with their existence and their honour, and to relinquish it on any account was to prove traitorous to the confidence reposed in them by their constituents and the public. Whoever, therefore, had the use of the public money, was responsible to them for the use they made of it in proportion to their trust. They had not, consequently, gone too far in asserting whatever the resolutions of his noble friend would bear. Their predecessors had gone much farther: he doubted whether they had more provocation. He trusted the temper of the House, however, would be uniform, and that they would go through even with the arduous duty prescribed them, in a manner that would do them honour with the world and with posterity. But it was obvious how they had been treated. He wished the House to recollect the dates of the several resolutions, and how tamely they had constantly been received. One noble lord (Effingham) had indeed now and then harped on these resolutions, bu. no sooner had he broached the matter, than the House was adjourned; and it was not till the House had declared, that a firm, extended, efficient, and united administration could alone restore harmony to the country and the House of Commons, that their lordships seemed alarmed. So long as the House did not find fault with ministers, their resolutions were innocent and inoffensive; but the moment they attacked an unconstitutional administration, they took fire, and with equal industry and vehemence ransacked their Journals, and pronounced their anathemas on every word which they could misconstrue into an object of animadversion and censure, and without regard to delicacy, charged the House with what they never did or thought of doing. He was sorry that he was obliged to recur so often to the facts which had distinguished the earlier part of the present session; for these were the facts which had incurred the resentment of their lordships, and which they seemed so very much offended by. They had acquired their object, and still they were dissatisfied. The measure on which the honour of the House was pledged they had disposed of, but in a manner ex-

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tremely disgraceful; some said by a court juggle, others by the absolute command of majesty; but none ever allowed the House of Lords any merit whatever in this famous decision of that celebrated measure. He then adverted to Mr. Dundas's commentary on the resolution concerning the recal of Mr. Hastings in the year 1782, and exposed the ingenious reasoning of that learned gentleman on that particular. He was astonished at the conduct of some men beyond expression. He admired the ingenuity of the learned gentleman; but he knew not how it was, he never had heard him so much unequal to himself as in the speech he had just made. Was it that men of the strongest talents were not able, with all their powers of eloquence and comprehension, to render falsehood as forcible as truth, or how could it be accounted for, that on such occasions the brightest parts sunk beneath themselves? He was likewise unable to unravel the conduct of those men who had said so much about coalition, and notwithstanding, appeared to be of such, if he might use a new word, un-coalescible and un-uniteable qualities. He illustrated the interference of the House in cases where discretionary powers were vested in the Attorney General, who, in his opinion, was the servant of the House, who had always acted at the command of the House, and who, in case of disobedience to their orders, he did not see how he could be punished. The great principle that guided him, and which the House still supported in all their servants upon trust, was a deference to their opinion. Where this did not exist, their interference by admonition or advice would be unnecessary. But it was on the supposition of its operating to a certain degree on their servants of all descriptions, that they had interposed by such means. He declared the impolicy and injustice of insisting on the extreme of right in any case where all sorts of powers and prerogatives were still under limitation; and he deprecated the necessity the House of Commons might yet be under to assert, as her dernier resort, that great check which she undoubtedly had over the executive government, by denying the supplies. This he would state till the very last moment as hypothetical, not suffering himself to believe that men could be so mad as to suffer the constitution of the country to run such a risk from obstinacy, or whatever other motive may influence them. He insisted, that all the prerogatives of the crown were limited by the great object for which they were originally instituted, which was the benefit and advantage of the public. Had not this House interfered with the present ministry solely because they were evidently inadequate to this capital and primary idea? He wished, however, that every thing should still be carried on with prudence and moderation. The present was a trying crisis, and he could see a determination to try them still more. But he trusted the spirit and magnanimity they had already discovered would never forsake them, but bear them up under all the difficulties and temptations to which the exercise of their duty to the public, to their constituents, and to themselves, unavoidably exposed them. He warned the House with much earnestness against the venom of the amendment, or explanation, which the learned gentleman had suggested. The point to which it tended needed no illustration. The words seemed harmless, but were the more dangerous for their apparent insignificance. They were evidently intended to turn the most serious business in which that House had ever been engaged, into ridicule, and brought against them the very solemn and formidable charge of suspending the exercise of law. But every circumstance which attended the progress of the whole affair demonstrated the purpose to which it was directed. He was certain the design, whatever success might attend it, was to slander them in the country, and to inflame the people against their friends by misrepresentation, which it was much easier to forge and circulate than suppress. But he called on the honour of the House, on their regard for themselves, on their fidelity to their constituents, and above all, on their value for the constitution, to hold on in the fair, the broad and beaten path of duty to their country, their consciences, and the trust committed to their honour as men, and virtue as citizens. This might be called an appeal to passion. He was not very anxious what censures of that kind he might incur. He knew not when the feelings of mankind deserved to be roused and interested, if not on a question which involved whatever they esteemed most, and would part with last.

Mr. *Pitt* said, that the right hon. gentleman in his present conduct seemed to be inclined to declare war with the other House of Parliament, and to load them with invective, which should bring upon

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them popular odium: he seemed to be evidently solicitous of bringing on what he pretended the most to condemn, a quarrel between the two Houses. He trusted, that the people had too much good sense, that they had too much veneration for a House which now, as well as in many former instances, had interposed between the violence of the House of Commons and the crown, and had rescued the one from the intemperance of the other. In the present case, they had observed a resolution of this House with the jealousy which became their wisdom; and finding in it an ambiguity that alarmed them, they had declared their sense of its tendency with manliness, and at the same time with respect. If they had construed the resolution wrong, if they had given to the words a meaning which they did not bear, that must be ascribed to its true cause, not to any captious disposition of that noble House—not, as had been insinuated, to a desire of diminishing the importance of the Commons, but to a laudible desire of guarding the sacred purity of our constitution against the temporary heat, the phrenzy, the violence, or the forgetfulness of either of the other branches of the legislature. He said, he was not in the House at the time that the resolution complained of was passed. He confessed that he had always looked on that resolution as, at best, a hasty and inconsiderate measure, and conveyed at the same time in words of so much ambiguity, as to justify the House in their acceptation of it. It undoubtedly might be construed from its letter, to assume a paramount power to the discretionary authority vested by the act of parliament in the board of Treasury; for the resolution expressly declared, that they were to accept of no more Bills until the House of Commons should so direct. What was the meaning of these words, "until the House of Commons should so direct?" Their meaning was evidently that they should hold themselves subject to the injunction of that House, and should, in consequence of their interference and control, suspend the exercise of their discretionary powers. He turned his argument into a variety of shapes, and having urged it at a considerable length, he said, the explanation suggested by his learned friend might possibly answer the wishes of moderate men; since by shewing that the House of Lords had mistaken the sense of the resolution, the censure of their opposite resolve would not remain. In his own mind, the explanation of Mr. Dundas was right; but as it did not seem to be the sense of the House, he would take a more gentle course, and by moving the previous question, would put the matter on a footing which gentlemen, he thought, could not so well object to. The matter would then stand thus: the House, though they had passed the resolution, felt the force of the conviction they had received, and without entering into any explanation of their conduct, confessed its inconsiderate tendency, by refusing to take notice of the censure they had received. This was the moderate way of proceeding, and this was the means which he preferred, as he did not wish to imitate the right hon. gentleman, whose professions were all for peace, temper, and moderation, but whose measures were for the reverse. The right hon. gentleman was for ever talking about the moderation of his conduct, and for ever charging him and his friends with all the heat and intemperance which occurred in that House; and yet, though that was for ever his language, it was never his practice. He declared himself to be a friend to order and concord. The great object of his heart was unanimity, if it could be procured on public principles, and on grounds on which men of honour could stand. In the mean time, he must observe again and again, that the present dilemma was not occasioned by his pride, by his obstinacy, or by his lust of power. He concluded with saying, that as no precise idea could be given to the phrase in the resolution of the 24th Dec., until the political dictionary of Mr. Eden came out, a dictionary which he dared to say would fix the language as well as the tenets of that House, he would move the previous question.

Lord *North* challenged any man to fix an imputation of ambiguity on the resolution. He said, he did not like explanations where there was nothing to explain; and always suspected some other meaning than the one avowed, where the words of the commentary were so ambiguous. He said, he believed the people were as yet ignorant of the state of the question between the two Houses, and between this House and the minister; but he was sure the time was not far off, when their constituents would perceive who were their friends; it was not in nature that they should be enemies to their natural guardians. If prerogative should prevail over privilege and the constitution, the House of Commons must be enslaved; but in

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that case, the people would be enslaved also. A free House of Commons would have free fellow-subjects; but a House of Commons, deprived of all energy and vigour, could exist only in a country lost to every sense of liberty. The people would soon see by whom it was their interest to be represented; their own members elected by themselves, or their hereditary members, named by another; by knights, citizens, and burgesses, or by a noble proxy.

Mr. *Powys* declared himself an enemy to the amendment suggested by the learned gentleman, because it could be called nothing better than a concession to the Lords; and he was an enemy to the previous question, because the House was called upon to speak out in defence of its privileges, which had been invaded.

The House divided; when there appeared, for the previous question, 157; against it, 187: majority against ministers, 31. The three first Resolutions were then agreed to. On the fourth being put, Mr. Dundas moved an amendment, by inserting after the word "direct," the words, "being intended only to signify the opinion of this House touching the expediency, under certain circumstances, of the exercise of discretionary powers given by act of parliament, and not as binding the lords of the Treasury to forbear the exercise of the said powers, or to subject the same to the separate direction of this House." The amendment was negatived without a division; after which the rest of the Resolutions were agreed to.

Debate in the Commons on the State of the Nation.] Feb. 9. The order of the day being read for going into a committee on the state of the nation,

Mr. *Fox* observed, that under the present peculiar circumstances of the country, it would not, in his opinion, be proper to go into the committee for some days. The House had thought proper to agree to some resolutions, which were afterwards laid before his Majesty, who had promised to take them into consideration. It was but decency to his Majesty that the House should pause for a while, and allow him sufficient time to give the resolutions a thorough consideration. What might be deemed a sufficient time he knew not; nor did he like to distress the right hon. gentleman at the head of the Treasury, with questions that it might embarrass him to answer: but possibly he might, of his own accord, let the House know whether they were likely to have an answer to their resolutions, and when they might expect to receive it; or he might perhaps tell them that there was no further answer to be given. The information that he should please to give on that subject, would of course determine the House what measures it should be proper to pursue.

Mr. Pitt was silent.

Governor *Johnstone* begged leave to ask the right hon. gentleman who spoke last, when he intended to bring in his new India Bill? Upon that Bill a great deal depended, and therefore he wished most earnestly to see it. The directors were at a loss what instructions to send out to India; and it was impossible the House could determine what measure ought to be adopted relative to the present contest of parties, until they should see that Bill which the right hon. member intended to bring in. When the Bill proposed by the Chancellor of the Exchequer was rejected, the right hon. gentleman moved for leave to bring in another Bill; and he went so far as to say, that he could produce it that very night, or at farthest next day; but he had thought proper to keep it back ever since. Now, in his opinion, the Bill ought to be the test of the right hon. gentleman's pretensions to govern this country, and therefore the House ought to see it, before they proceeded one step towards removing the present administration. It had been a question, whether the Bill rejected by the Lords, was of sufficient importance to justify the late change of ministers: for his part, he sincerely thought it was. It was then to be determined, whether his Majesty had made choice of the next best set of men in the country to conduct his affairs: for his part, he thought he had; and therefore, before he would give a vote that might have a tendency to remove them and restore their predecessors, he wished to see the right hon. gentleman's new Bill; for if he should retain all the principle contained in the former one, which was thrown out by the Lords, it was impossible that any man who wished well to the rights of individuals, could vote for the removal of the present ministers, in order to make way for the right hon. gentleman.

Mr. *Fox* said, he never told the House that he could bring in his Bill the very night he moved for it, or the next day; for it certainly was not in such forward-

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ness even at this moment, as that he could present it immediately. He would, however, frankly own to the hon. gentleman, that if it was ready at the time that he moved for leave to bring it in, still he was of opinion it ought not to have been presented then, or offered even now. Some gentlemen thought that, as he was no longer in office, he ought not to take the lead in the business, and present a Bill which should come from office: but he was not himself of this opinion: the only thing, therefore, which had hitherto prevented him from getting it ready and presenting it, was not that he was not in office, but that, in fact, there was no administration in this country; there was no power in any man or set of men to carry any great and public measure through parliament. The persons now in office had not the confidence of this House, and therefore could not carry a measure through it; and of what avail would it be, that he should propose to pass a Bill through the House of Commons, which would be rejected in the House of Lords? However, if he should find that it was the opinion of many gentlemen in the House, that he ought, at all events, to bring in his Bill, he would do it; and he believed he should be able to bring it in to-morrow, or the next day at farthest. As for the order for going into the committee on the state of the nation this day, he would move to have it discharged; and that a new one should be made for going into it on Friday.

Lord *Mahon* said, he had some observations to make on the conduct of the right hon. gentleman, which would probably make him speak out: and in this critical situation of affairs, every man ought to speak out. It was difficult, however, to the right hon. gentleman to do so; for he always had a language suited to the place where he was speaking; it was natural, therefore, that it should be frequently inconsistent. He wished the right hon. gentleman would be so good as to reconcile two doctrines, delivered by him in two different places, which, to a common mind, might well appear very contradictory. He had then in his hand a paper containing resolutions which had passed on the 9th of May 1780, in an assembly, called the Westminster committee, and signed by the right hon. gentleman himself, as chairman of that committee. There was in that paper one particular resolution, which said that lord North had declared the day before in the House of Commons, "That the people of England collectively could only be heard by their representatives in parliament." The resolution then proceeded to declare, "That the said declaration is unconstitutional, and of dangerous import to the liberties of this country." This was the language of the right hon. gentleman in the Westminster committee; but what was his language now in the House? Was it not that the sense of the people could only be collected in the House of Commons? [Mr. Fox cried out, 'No! No!'] Then if the right hon. gentleman denied it was his doctrine, would he maintain the reverse of the proposition, and say that the sense of the people cannot be collected in the House of Commons? [Mr. Fox again cried, 'No! No!'] Lord Mahon said, then he wished the right hon. gentleman would explain what was his doctrine, and clear himself, if he could, from the charge of inconsistency; which, by-the-bye, he apprehended to be impossible. He should watch his motions; he should attend to-morrow at the meeting of the right hon. gentleman's constituents in Westminster-hall; and there, in the face of his country, he would argue with him on the paradoxes he had maintained, on the different doctrines he had advanced in and out of the walls of that House. There was another point on which the right hon. gentleman should explain. He had said, on a former occasion, that the House had given up its right to stop the supply; how, then, could he justify the late resolutions proposed by him or his friends, for withholding those supplies which were absolutely necessary for the support of the East India Company, and of the different branches of the public service, to which a resolution of the House would not suffer any money already voted to be applied, until the appropriating act should pass at the close of the session? Was not this exercising a right, which the right hon. gentleman said was departed from the House?

Mr. *Fox* observed, that, from the candour of the noble lord, he might have expected he would have stated to the House, from the knowledge he had of the proceedings of the Westminster committee, that the chairman's name frequently appeared under the resolutions to which he himself had given the strongest opposition. Consequently, as he signed the resolutions as the resolutions of the com-

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mittee, and not always as his own, it was not very fair to make him responsible for all the doctrines which they contained; and to charge him with inconsistency, because he delivered in that House opinions that were contradictory to others, to which his name appeared subscribed, but which he had opposed. However, he was willing to allow that in the instance alluded to by the noble lord, he adopted the doctrine most cordially which was contained in that resolution; to that doctrine he now adhered; and from it he had never once swerved. But the noble lord's want of candour was more discernible in the omission of a very material word in the resolution, than in not informing the House, that as chairman of the Westminster committee, he had often signed resolutions against which he had argued, against which he had voted. The word omitted by the noble lord, or slurred over by him, when he was reading the resolution, was of so much consequence, that in fact it was precisely that very word which induced the committee to come to the resolution; he meant the word 'only.' The proposition which the committee took into consideration for the purpose of condemning it, was this: "That the sense of the people of England could be collected only from the House of Commons." He thought, then, that such a proposition was not maintainable on constitutional ground; he thought that it was equally repugnant to the constitution, and to common sense, and he thought so still; there was, therefore, no inconsistency in his political doctrines. For he never was so absurd as to assert, either in the year 1780, or at the moment he was then speaking of, that the House of Commons was exclusively the place (the only place) where the sense of the people could be collected; he believed, on the other hand, the noble lord would not be very ready to maintain the opposite doctrine, that it was the only place where the sense of the people could not be collected. On the other hand, he would maintain, that the sense of that House ought, *prima facie*, to be thought the sense of the people.

But if he had even gone the length to say, that in 1780 the sense of that House was not the sense of the nation, many things had been done since, which might justify him in saying, that at present it speaks the sense of the people. Several salutary laws had since been passed, to check the influence of the crown, and leave members more at liberty to vote freely: the contractors Bill had taken away from ministers the support of a great number of votes, as had also the abolition of various offices, the possessors of which, while the places existed, were mere tools in the hands of the crown, to stifle, in that House, the genuine sense of its members. If, therefore, the House had ever been able to speak the sense of its constituents, while the crown had so great an influence in it, would any man say there was reason to believe, that, purged as it now is from contractors, it speaks less the voice of the people than it did before? The noble lord would insinuate, however, that at present it speaks not the sense of the people; that the people disapprove its proceeding. But it would appear strange, indeed, that the people should desert their representatives, when they were nobly struggling for the rights of the people and supporting the constitution; for if withstanding the encroachments of the prerogative, and of the House of Lords upon the rights of the Commons of England, was not a popular contest, and for the advantage of the people, he was at a loss what was an advantage; and why the people should on such an occasion stand up for the crown and the House of Peers, and against the supporters of their own rights, was what he could not possibly conceive, unless the people should have adopted the new idea, that the Peers are the hereditary representatives of the people—an idea as absurd as it is novel. The people knew too well the language of the court, to be deceived. No minister ever ventured to say that the House of Commons, while it supported his measures, did not speak the voice of the nation: it was only when it opposed prerogative and ministerial influence, that it was charged with speaking a language different from its constituents. He desired gentlemen would look at the number of names to each address, and then consider the places they came from. The address from the populous town of Wolverhampton, where there were 20,000 inhabitants, was signed by no more than 160 persons: much in the same proportion were the signatures to other addresses, such as to the address from a very large and populous town in a neighbouring kingdom (Belfast); and to the address from the city of York, as it falsely purported to be, there was the name only of the chairman; but to such shifts and impositions

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were ministers and those who support them driven, in order to delude the public, and prop up their tottering fabric.

Sir *H. Hoghton* called Mr. Fox to order. He said he could not bear that the right hon. gentleman should cast such indiscriminate censure on all those who supported government; and that he should ascribe motives to all for the support of ministers, which he, for one, disclaimed, and which he deemed highly dishonourable.

The *Speaker* here interrupted Sir Harry, and observed, that he had no right to stop the right hon. gentleman, who had not offended against order.

Mr. *Fox* rose again. He observed, that if what was said in a parliamentary language, with respect to the conduct of ministers and of those who supported them, was to be deemed disorderly, there would be an end to the freedom of debate; and if what was said in that manner was to be deemed personally insulting to any member, he must only say, that gentlemen had, for the last three weeks, been doing little more than libelling both the majority and minority of that House. But to resume the thread of his speech, he declared he made not the least doubt, but when the people should be a little better informed, he should see counter addresses, or resolutions of a directly opposite tendency, come from those very places from which addresses had lately been sent to the throne, as had been the case with the city of York; and indeed it must be deemed peculiarly modest to assert that the sense of 160 persons was the sense of the 20,000 inhabitants of Wolverhampton. He had been frequently desired to consult his own constituents, and to take their sense upon the subject of the present contest; and his hon. colleague, who had carried to the throne an address purporting to be an address from the city of Westminster, had declared in that House, that having consulted with his constituents, he found there were not two opinions on the subject: however, he had since attended a very numerous meeting of his constituents, where his conduct was unanimously approved; so that his hon. colleague was now satisfied there were two opinions in Westminster; and therefore it was unfair in the friends of the ministers to say that the people disapproved of the conduct of that House. He was always ready to meet his constituents, and lay open his conduct to their view; he would submit to their sense of it: he was unquestionably ambitious of the high honour of representing so great a city in parliament; he felt the liveliest gratitude for having been already three times raised to the high honour of being the representative of the respectable electors of this city; and it would be to him the greatest of misfortunes, if he should have so acted as to have forfeited their confidence, which he prized beyond expression. If, however, he had done any thing which had lessened him in the esteem of his constituents, they would no doubt take some method of letting him know it; and then he would retire from their service, bearing in his mind the most lively remembrance of their past favours, and feeling unspeakable concern that he should have fallen in their opinion. But from what he had already experienced at their hands, he flattered himself he had no reason to apprehend so great a misfortune: they had elected him once since he had formed the coalition which had given some so much offence. By that step he lamented that he had lost some old friends; but he rejoiced also that he had acquired many new ones. Gentlemen, he said, would recollect the petitions with which the table had been loaded, and which were sent up from almost all the counties and towns in England, against the continuance of the American war; these petitions might be said to speak the sense of the people of England, and in some measure to declare that the House of Commons and the people spoke different languages. But were the poor pitiful addresses that were lately sent up to the throne to be compared to those petitions, and would any man in his senses draw from them the inference that naturally grew out of the petitions? As to the charge brought against him by the noble lord, that he had said in a former debate, 'that the House had given up its right to stop the supply,' his answer was, that he had said no such thing. What he said was this—"that the crown had, by a kind of tacit agreement, laid aside its prerogative with respect to the negative on bills; and that the House had in return laid aside its right to stop the supply;" but surely it was fair to say, that if the crown resumed that prerogative, the Commons would also resume this right to stop the supply: for ours was a government of confidence, and when that confidence on which it is founded is once broken, then

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of course the House would stand by its rights. As to the words, 'stop the supply,' they required an explanation; if by stop, the noble lord meant entirely to withhold, he would say that this was a right which was in a great measure gone from the House; but if he meant to withhold it for a time, it was a right which it might, and ought still to exercise, whenever a proper occasion should occur.

The question for adjourning the Committee was agreed to.

Debate in the Commons on the Receipt Tax Amendment Bill.] Feb. 10. Mr. *Eden* reminded the House, that a report was now lying on the table from the committee appointed to inquire into the illicit trade carried on in this kingdom. There was a case which ought to form part of the object of the inquiry of that committee, but on which it did not venture to give an opinion, because there was actually pending in the House a Bill, which he hoped would answer every purpose that the committee could wish. The Bill he alluded to was for the better enforcing the payment of the Receipt-tax; that Bill, however, owing to the present state of the nation, had been too long suffered to remain unnoticed; and yet it was a matter of the greatest magnitude, as the tax, if properly enforced, would produce 5,000*l.* a week. He did not mean to embarrass the present nominal administration with questions on this subject; it was one in which every member was interested, and therefore he hoped that both sides would concur in forwarding a Bill, through the want of which this country was weekly a loser to a great amount. He called upon the noble lord who brought it in, to inform the House when he intended to move to take it again into consideration.

Mr. *Pitt* said, that as the Bill was originally introduced by the noble lord his predecessor, he thought it not decent to take it out of his hands: for his own part, he thought that if it was the opinion of the House the tax should be supported, it certainly would be proper to send the Bill to a committee.

Lord *John Cavendish* observed, that though the tax was unpopular, it was not upon that account he had hitherto refrained from bringing the Bill forward; but because the country, in the first place, was in a state of distraction, and in the next, because there were some difficulties in the clauses, which he hoped the gentlemen of the long robe would enable him to remove. For his own part, he thought the tax a good one; the people had been taught to dislike it, before they felt the smallest inconvenience from it; but while he was satisfied in his own mind that it was good, he was ready to take his share of the unpopularity of enforcing it, and therefore, with the leave of the House, he would take up the farther consideration of the Bill on Thursday.

Mr. *Hussey* called upon Mr. Pitt to declare whether he was a friend to the Bill or not; for if he was not, it would be a very singular circumstance indeed to see a member out of office attempt to carry a question of finance in that House, contrary to the sense of his Majesty's ministers; he did not hesitate to say, that he was himself a decided friend to the tax; he wished only to know whether the Bill was to have the support of the minister of finance.

Mr. *Pitt* thought he had already sufficiently explained himself on the subject, by saying he had no objection to the commitment of the Bill. If the tax was to be continued, and the House seemed to have decided that point before Christmas, it was proper it should be made as efficient as possible; and therefore a Bill which had for object to make it so, ought unquestionably to be taken into consideration. When it should get into the committee, he would deliver his opinion upon it; but more he would not say at present; and he thought it not a little strange that gentlemen should thus question a minister.

Mr. *Fox* said, that every thing in that House was now so new and singular, that it was not matter of surprise to him that the right hon. gentleman should think the question put to him a singular one; but, formerly, when ministers and the House were both the defenders of the constitution, the former thought it not singular that an independent gentleman should put a question of a public nature to a servant of the public. And what question had the hon. member put? A question of finance. To whom? To the minister of finance. The minister certainly acted as if he did not like the question; and he answered it just as if he wished to conceal his opinion; for he used "ifs" instead of positive assertions. "If the House thought the tax should continue." That was not the language of a minister who had a decided opinion. He knew that when the tax was first proposed by his

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noble friend, the right hon. gentleman gave it his support; but he believed he was not in the House when the division took place before Christmas, on the question for repealing it. The tax was certainly unpopular; and he believed it would be impossible to find a tax that should not be unpopular, if it was efficient; but it was the duty of every man to face unpopularity, as he and his noble friends were determined to do, in support of a measure which they conceived to be advantageous to the state.

It was at last determined that the House would on Thursday take the Bill into consideration.

Ordnance Estimates—Refusal of the Supplies.] Mr. Pitt then moved, that the report on the Ordnance Estimates be brought up.

Mr. *Fox* said, that if it was the intention of gentlemen in office to bring up the report this day, and leave it to be considered by the House on some other day, he would not oppose the motion; but if it was their intention to take them into consideration, he would most assuredly vote against it. In the present situation of affairs, it was not surely expected that the House would proceed to vote supplies until it should be known what answer his Majesty would give, or whether he would give any at all, to the resolutions which had been communicated to him. When some information on that head should have been given, then it would be for the House to consider what measures ought to be adopted: but in the present case, to give the sanction of the House to the resolutions of the committee of supply on the ordnance estimates, would be to carry on the most important business, and to execute the highest, and, as yet, the only undisputed privilege of the House of Commons, (how long it might remain so he could not tell) that of voting money, while there was in reality no government in this country; or, what might be deemed worse, a government existing in defiance of that House. The privilege which the House still possessed, distinct from the other two branches of the legislature, was that of voting money, as the representatives of the people; but when bills were afterwards brought in, to carry those grants into law, then the House was acting merely legislatively, and discharging a function which was common to the three estates. It was the vote, therefore, of the House, ratifying the resolutions of the committee of supply, which granted money, and not merely the bill or bills founded upon this vote, which were only methods to enforce, by the authority of the legislature, the payment of money already voted by the Commons; so that, in fact, the vote upon the report now offered would be conclusive, and pledge the House, and consequently it ought not to be called for until his Majesty's answer should be known.

Mr. *Pitt* replied, that though it might not be expected that a formal answer should be given by his Majesty, in consequence of the communication lately made to the throne, as in the case of an address, still no doubt it was necessary, that by some means or other the House should be informed what line of conduct his Majesty intended to pursue, and certainly such information should be given. The House was not then full enough to debate so serious a question as whether the supply should be stopped; he would, therefore, after the report should be received, move that it be re-committed to-morrow.

Mr. *Fox* observed, that if by stopping the supply, the right hon. gentleman meant refusing a supply, he would tell him that nothing was farther from his intention: but if by stopping he meant suspending, he would tell him he thought that the House ought to suspend it until his Majesty's intentions should be known.

Mr. *Dempster* said, that ever since the Revolution, a principle had obtained in this country, which had made the public business go on smoothly, and without interruption: it was a principle of moderation which had prevented the prerogative of the crown and the privileges of the House of Commons from being brought into collision. If the crown and people should ever be engaged in a struggle between prerogative and privilege, he, as one of the people, would have no difficulty to determine which side to take; but his mind looked forward with horror to the event.

The Report was ordered to be re-committed to-morrow.

Resolution respecting Frauds on the Revenue.] Feb. 11. Mr. *Eden* reminded the House, that the report from the committee appointed to inquire into the illicit trade carried on in this country had been long upon the table, and deserved the most serious attention. From that report

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it appeared that the losses on the single articles of Tea, Wine, and Brandy, amounted to two millions sterling annually. This was a sum of immense magnitude, and consequently the House could not too soon turn their thoughts to devise means to check smuggling, and to bring this money into the Exchequer. For this purpose, it would be necessary to adopt measures that probably would not be very popular, and which none but a strong government could ever carry through and enforce; he presumed that the present government would not be thought, by any man, such as was likely to attempt such measures; and therefore it was that he flattered himself the right hon. gentleman would have given way to the wishes of the House, and not remained in a situation in which he could do his country no service; but in which his continuance, under the present circumstances, was a bar to such a union, as would produce a government equal to the exigencies of the country. In the actual state of affairs, he did not mean to propose any measure on which there could be a diversity of opinion; but still he wished to proceed a little in the business of that report, and have matters so far advanced, that whenever a new administration should be formed, they might be in such readiness as to be taken into consideration immediately. He therefore moved,

"That this House doth agree with the committee in the said resolution, that it appears, that the illicit practices used in defrauding the revenue have increased in a most alarming degree; that those practices are carried on upon the coasts, and in other parts of this kingdom, with a violence and with outrages which not only threaten the destruction of the revenue, but are highly injurious to regular commerce and fair trade, very pernicious to the manners and morals of the people, and an interruption of all good government; that the more secret illicit practices in the internal excise of this kingdom have also greatly increased; that the public revenue is defrauded to an extent of not less than two millions per annum; and that these enormities and great national losses well deserve the earliest and most serious attention of parliament."

Mr. *Pitt* agreed, that there could not well be a subject of greater importance than the loss occasioned to the revenue by smuggling. He confessed that it was a business that ought not to be slurred over, and nothing could be farther from his intention than to attempt it. To adopt mere palliatives would only increase the evil. As to the resolution, he had not the least objection to it, and should be glad to have the business brought to such a stage, that the House might proceed without a moment's loss of time when there should be an administration able to carry it into effect.

The Resolution was agreed to.

Debate in the Commons on the Exclusion of either Party in forming a New Ministry.] Feb. 11. Mr. *Hussey* took occasion to observe, that he sincerely trusted Mr. Pitt would not let any obstacle, which he had power to remove, stand in the way of an efficient and united administration. He hoped the same complying and accommodating disposition from Mr. Fox. Much and laudably as a very respectable body of that House (the St. Alban's Association) had laboured to effect this object, it was still at a distance. He most ardently wished gentlemen on both sides would, by such concessions as they could make, cordially and manfully give way, not to each other only, but to the calls and exigencies of their country; which, while they were contending, felt the consequences to its vitals. An hon. gentleman in his eye, who filled the chair at the meeting to which he alluded, would, he trusted, read to the House the resolution to which they had that day come; and he wished the House might seriously attend to it.

Mr. *Marsham* expressed to the House what he thought to be the cordial, the unanimous, and the genuine sense of the gentlemen who met at the St. Alban's. They were ardent in desiring a union of all the virtues and abilities which the country possessed, in order to effect something like an adequate remedy against the various evils under which it laboured. No man had a higher idea of both the two right hon. gentlemen than he had. Their principles, their virtues, and their abilities were, in his opinion, great, and might do honour to any government in which they could cordially unite. This was the government in which the wishes, he trusted, of the whole House, and the whole nation centered; and to such an idea all the resolutions which the meeting at the St. Alban's had yet formed were directed; and none more than the last. He then read the resolution, which was to this effect: "That an Administration, founded on the

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total exclusion of the members of the last, or of the present administration, would be inadequate to the exigencies of the public affairs."

Mr. *Fox* rose, visibly impressed with the same ideas which had been urged by the former speakers concerning a general and substantial union of parties. The desire, in his opinion, which went to this capital object, was as laudable as it was general, and what little countenance it could derive from him, he would give it openly, completely, and unequivocally. It was obvious there could, at least on his part, be no personal animosity or spleen which might be thought operating to that effect in the least. He had been generally, and especially of late, rather too apt to give way where any thing like personalities subsisted; and he trusted it would not be imagined his mind could be less yielding, where there never was, nor ever could be any such thing. If there were, and those of a more palpable and irreconcileable nature than any thing he could imagine, this was not a time to cherish or indulge them: duty to the community at large, demanded every sacrifice which a man of honour and principle could possibly make. This was not a period that admitted of any adjustment that related to the little punctilios of personal importance, and he trusted every public man, who seriously felt the increasing pressure of public affairs, would think as he did.

He would not now insist on the various necessities which urged from every quarter some decisive and immediate remedy. The news which had so lately arrived of a final adjustment between the empress of Russia and the Porte, was an object of great consequence. He would not discuss, at this time, the policy which he foresaw it might produce; but it required no great discernment to see that it would go a great way towards fixing the consequence of this country in the scale of Europe. Our connexion with foreign courts consequently held forth a most important object of political attention to us, which required a management to which the confidence of that House was essential; and which, according as we acquitted ourselves, might be productive of the most pernicious consequences. The very report, which had just been referred to, demanded immediate attention. If two millions could be saved to the revenue, it became a question, why it had not been saved? The modes by which frauds to such a large amount had been practised were various, and must have operated on the public to a great extent, and with some degree of advantage. Wherever, and on whomever this money might be recovered, a burthen new and extraordinary must unavoidably be laid. The reform meditated must affect certain parts of the country. However necessary that reform might be, those parts could hardly be supposed to acquiesce in it cordially. How, then, could it be effected? How could the regulations on which its efficacy and success depended, be executed without a government acting with the consent and sanction of that House as well as the crown? He trusted gentlemen would attend to these circumstances; the credit of the country called for every species of support which could be given it. This would inevitably occasion new taxes to a very unprecedented extent. He, for one, saw no other prospect of relief than by such impositions as would infallibly produce it. What administration, destitute of the confidence and support of parliament, could effect such an object? The unpopularity attending such measures as could no longer be withheld in consistency with public safety, would destroy the most able, active, and industrious ministry this country ever saw, without a very great majority of that House at its back.

These particulars, and a great variety of others, he stated with no other view in the world than to urge the necessity of an immediate union of parties. He, for his own part, saw no personal objection on either side, and he trusted the right hon. gentleman saw none. The House seemed so generally interested, and in some measure agreed in the idea of a coalition, that he thought them entitled to as full an explanation on that head as he was able to give them. He paid many compliments to the right hon. gentleman's abilities. He respected what he had always understood to be his political principles. None of these did any one whom he had consulted wish him to renounce. The union he wished to see take place was a union of principle, and he should not be the more sure of any man's principles from his readiness to appear implicit in the adoption of his. There could, in his apprehension, be no personal contention between the right hon. gentleman and himself. Whatever might have occurred in the heat of debate, he trusted they were both alike sensible, meant nothing personally disrespectful on either side. It

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was obvious the right hon. gentleman was not slavishly attached to the emoluments of office; he never thought he was, and he rejoiced that a late instance had so fully evinced that he was not. He trusted the House would also give him some credit on that score. No action of his life could be brought up which in the least would fasten any very interested charge against him.—So far their dispositions were not dissimilar. What was the right hon. gentleman's ambition? Was it not glory? A reputation grafted on the advantage which he trusted the country might one day reap from his exertions in her service. A nobler, a more magnanimous passion, he would say, never fired the human breast; and whoever was not animated by such a principle, did not, in his opinion, deserve any share in the public confidence; was no proper object of popular approbation; was not an eligible candidate for the attention and applause of Englishmen.

Here, also, he was not without hopes he should be permitted to put in his claim for some degree of confidence on the same principle. He protested that every other consideration was, in his opinion, trivial and of no weight; that no sacrifice was too great to be offered at such a shrine; and that he would go any lengths with any man who would shake hands with him in this truly glorious, truly patriotic, and truly constitutional ground; and he was ready to own, that the right hon. gentleman had always appeared to him as aiming at the same great and desirable object.

As on this subject, however, he wished to conceal nothing, he would say the only suspicion he entertained, and which had originated in the mode by which the right hon. gentleman obtained and kept possession of power, was, that he entertained an opinion that the crown might appoint a ministry, and persist in supporting them, who had not the confidence of the House. He wished he might find the suspicion ill-founded, but he dreaded to find it true; for then a union on such a principle was impossible. It went to deprive this country of an executive government, in which the people had any concern, over which they could exercise any control. All the instances of voting money was on a principle of confidence. The minister's influence in the House depended on what confidence they had in him; he was their trustee; to them he was responsible for every article of public expenditure. The very estimates to be considered that night were instances of the same principle in the constitution; and every sum of money voted for the Ordnance, was voted by gentlemen incapable of judging for themselves whether those sums were properly applied or not; but in confidence that lord Townshend, the duke of Richmond, or any other whose province it was to direct the business of that very important department, were competent to pronounce on the fitness of the objects for which this money would be applied.

He did not well apprehend where the difference between the right hon. gentleman and himself, in respect to measures, could lie. That concerning their several plans for the government of India, though decided already by the House, he was still willing to accommodate as far as possible. His Bill, he thought at the same time, would be a loser by the new modifications to which he was willing to submit it; but he would gladly have it possessed of as much public confidence as possible. He was therefore happy to assure the House, that whatever seemed most objectionable with regard especially to patronage, would at least in a great measure be removed. Few exceptions on this very material point at least, would, he persuaded himself, remain, in consequence of the plan which he had now under contemplation; but notwithstanding this, should any discordance of opinion still continue on that head, he saw no impropriety in submitting even that to the discussion of parliament. The only obstacle, then, which still remained, was the present situation of the right hon. gentleman. He declared the personal attentions or situation of his noble friend (lord North) would prove none. But there could be no cordial, no firm or efficient union, till the right hon. gentleman and his party submitted to the constitution of the country. The expedient referred to in the duke of Portland's letter was, that they should cease to be the ministers of this country, but continue to support the etiquette of office till a proper arrangement could be made. He declared, however, that, as a man of honour, he saw no other hindrance to the union which had been urged than that now stated; that he could not treat with men while they refused to treat on constitutional grounds; that he meant only to support the constitutional consequence of the people of England; and that a negociation which admitted a precedent so destructive of it, was inconsistent

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with his personal honour, and with his duty to his country.

Mr. *Pitt* said, there was one ground on which gentlemen seemed principally to wish for a union; and that was, that if the present ministry were dismissed and the late one restored, the opposition that he would give to the measures of that administration would prevent the members of it from acting with all that vigour and efficacy that the state of affairs required: on this subject he would say this much, that he should not be found in opposition to any measure which should appear to him calculated for the public good; he knew heavy burthens must be laid on the people, let who would be ministers; and to those burthens he would not object, if he should see they were laid on with judgment and discretion. As to union, it was not possible that any man could wish for it more sincerely than he did, provided it could be effected upon principle and with honour. The right hon. gentleman spoke last of personal situations, and he did right; for if they could agree upon every thing else, it was impossible they could differ on that head. There might, indeed, be persons, against whom he had no personal dislike whatever; whose private character he respected and revered; whose abilities were eminent; and yet, notwithstanding all this, they were persons of that description, with whom he could never bring himself to act in the cabinet. [Mr. Pitt was understood to have lord North in view.] The right hon. gentleman said, a union might take place, in which one minister might look to the right for support and confidence, and another to the left; but he thought a minister ought to look to both; he ought to look for the confidence of his sovereign, and for the confidence of that House; he would go farther, he ought to look for the confidence of the House of Lords and of the people. He had said to the House before, and he would repeat it again, that there was no law in this kingdom, which made it criminal in him to remain in office, notwithstanding a resolution of the House of Commons. He would, however, admit, that the confidence of that House was absolutely necessary, and that an administration could not last that did not possess it. He did not, however, agree with the right hon. gentleman, that there was any similitude between the resolution of the 16th of January, and that principle of confidence on which money was voted in that House. It was certainly necessary that the Commons, in matters which, being entirely professional, they were not able to judge of, should confide for the propriety of them, in the minister from whose department the estimates came; as, for instance, in the case of the ordnance estimates, which were to be voted that evening, the House must of course repose a confidence in the master-general of the ordnance, whose duty it was to see that the estimates were proper; but surely the right hon. gentleman would not declare that this was the kind of confidence the House had in view when the resolution of the 16th of January passed. With respect to the resignation which the right hon. gentleman looked for as a preliminary to a treaty, he was ready to say this much, that he and his colleagues were ready to resign the moment there should be a prospect of an administration being formed, by whom the country might be effectually served. But when he considered the duty he owed to his sovereign and to the people, he could not reconcile it either to that duty or to his own honour, to resign sooner. With respect to the India Bill, there were points which he had hitherto maintained, and from which he felt not the least disposition to recede; and if the part he had taken in coming into office had produced no other good than that of defeating a measure that threatened the constitution of the country, he should ever think he had done a meritorious service. If such alterations should be made by the right hon. gentleman as would remove the grounds of his apprehensions for the constitution, he would find great consolation even in this, though other parts should remain in the Bill to which his objections were as strong as ever.

Lord *North* said:—I was not present at the commencement of this debate, but I can easily see from what has passed since I came into the House, that I have formed a considerable part of the subject of what has been said. Give me leave therefore, Sir, to say a few words, upon a subject which I am sure I do not wish to make the topic of debate here, but which were I to pass over, now that it is brought forward, I should do injustice to myself, and be wanting in respect to the House. Sir, it is impossible for me not to perceive that the right hon. gentleman who spoke last, alluded to me, as the person with whom he could not act. I beg leave to say, Sir, that whatever that gentleman's opinion may be, from whatever

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individual quarter that language may come, with whatever flow of words or turn of phrase it may be expressed, I shall never think it incumbent upon me to yield my situation, to desert or be driven from the ground upon which I stand in this country, to gratify the whim, the caprice, or unreasonable prejudices of one individual, whatever may be his situation or his opinion of himself. But if in the present distracted situation of public affairs, brought on by the means used by the right hon. gentleman to obtain his situation, I find that the public voice calls for my retirement, that I am in the opinion of the public at large, and in reality the obstacle to the formation of that stable, extended, and united administration which the present distractions require, God forbid that I should be the person to stand in the way of so great and necessary a measure! I can appeal, Sir, to the uniform tenor of my life, if such a conduct be conformable to it. I can assure you, Sir, and the House, that whenever it shall appear to be the sense of the public that I am the obstacle, there is no love of power, no love of emolument, no object of ambition, that shall induce me to remain one moment the bar to so great a public benefit as a stable administration, calculated to govern the country in its present critical situation. But, Sir, it is to be judged how far I am the obstacle that stands in the way of such arrangements. My right hon. friend near me (Mr. Fox) has stated the principle upon which he is ready to unite with the right hon. gentleman. He has stated the concessions he is ready to make in his Bill for the government of India; he has stated the ground and principle upon which they differ, that the right hon. gentleman must submit to the dictates of this House, before he can be united in principle with my right hon. friend. But has the right hon. gentleman shewn any spirit of concession? No, Sir, the right hon. gentleman chuses to declare, that he cannot act with me. But does he bend to the repeatedly declared opinion of the majority of this House, that they can have no confidence in him. No. But in this day of concession for the benefit of the country, the right hon. gentleman avoids the concessions which he owes to the House of Commons, but states it as a matter of principle to exclude me. I am but a trifling object indeed, compared with the constitution of this country, and the honour, reputation, and dignity of this House. Let the right hon. gentleman do what he ought to do to this House, and it is of little comparative importance indeed what becomes of me, "Mecum ut voles cum Republica redi in gratiam." But the right hon. gentleman, instead of making the concessions that are required by the House, says, in answer to my right hon. friend, that he must look both to the right and to the left: that he considers the confidence of this House not alone sufficient for a minister in this country, but that, besides that, there should be the confidence of the King, the confidence of the other House, and the confidence of the public. I agree with the right hon. gentleman. The confidence of his Majesty is highly necessary, and God forbid that any man should pronounce such a libel upon the prince upon the throne, as to suppose his Majesty not to give his confidence to those he appoints his ministers! The confidence of the other House is important, the confidence of this House is most essential, and the confidence of the public is of great and signal utility. I agree with the right hon. gentleman that they are all necessary: nay, so necessary, that I cannot admit of a single exception. I therefore say, Sir, that while there is an exception to the right hon. gentleman, while this House withholds their confidence from him, while he continues in office in defiance of their opinions repeatedly expressed, he wounds the honour of this House, he tarnishes its reputation and overturns the principles of the constitution of this country as they have existed ever since the Revolution. Let the right hon. gentleman conform to the constitution, and I am sure, as I said at setting out, though I will not retire to gratify the unfounded prejudices of any man, I will not allow myself, if the country require it, to be the obstacle to the formation of an extended and united administration, which this House unanimously voted to be necessary, which the right hon. gentleman agreed to in his vote, but which he is determined not to promote by his conduct.

Mr. *Marsham* returned his most sincere and hearty thanks to the noble lord, for the noble, upright, patriotic, and disinterested conduct he had that night displayed, which would justly entitle him to the thanks of his country. The Chancellor of the Exchequer must now be sensible that all the obstacle to a union rested with him. He was now called upon to resign in the manner pointed out by the right hon.

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gentleman over against him. Let him then resign: if he found that a treaty was afterwards practicable, then the union would of course take place; if, on the other hand, he should find difficulties relative to personal situations, though now disclaimed, he might then resume his present employment; and upon stating the grounds of difficulty to be with the gentlemen on the other side, there was no doubt but he would receive ample support from the House; but as matters now stood, it appeared to him impossible that he should remain minister any longer.

Mr. *Powys* paid his tribute of applause to the patriotic conduct of the noble lord; for his private character he had already the greatest respect, and his speech that night did his public character the greatest honour. For his own part he was not one of those who would insist upon secluding the noble lord from a share in a future administration; but since he had himself so disinterestedly and so nobly expressed a readiness to sacrifice his own prospects to his country's good, he now confessed that the fault would be the right hon. gentleman's, if he any longer refused to pay to the House of Commons that deference due to a branch of the legislature. It gave him pain to say it, but it was true, that, while his right hon. friend refused to resign, after what the resolutions of the House had declared, and what had been said in the course of the present debate, he and his right hon. friend must be two. His right hon. friend acknowledged that the confidence of the House of Commons was necessary to a minister; did he think that to resist that House was the way to gain its confidence? Was it not much more likely that he would gain it by sacrificing his opinion to that of the House, and acting in conformity to its wishes.

Lord *Mahon* said, that his right hon. friend ought to resist the sense of the House, if by so doing he could preserve the constitution. But the moment he saw the constitution was out of danger, then it would be criminal in him to oppose the wishes of the House; for he (lord Mahon) was so great a friend to the democracy of this government, that, except for the purpose of saving the constitution, he would not suffer prerogative to stand in the way of the just rights of that House. But when the House claimed a power of naming ministers, it destroyed the constitution; and that it assumed the right of nominating ministers was very clear. Now, with respect to the safety of the constitution, he did not think it could be secured until the India Bill should be disposed of; and when that should happen, and all the dangers that might arise from it averted, then, but not before, he would advise his right hon. friend to resign.

General *Conway* said, that the Chancellor of the Exchequer had not yet given an explicit answer, whether or not he would resign. The noble lord now put the resignation, not upon the late resolutions of the House, but upon the success of the next India Bill; which was as much as to say, that if the House should differ from the right hon. gentleman on that head, then he would remain in office in spite of the House. How this could be reconciled to decency or duty, he could not tell; but when he considered the state of Europe, of our finances, revenues, and credit, and also the state of Ireland, he must say it was dishonest to remain in office, to the suspension of all the great measures that these objects so pressingly called for.

Governor *Johnstone* condemned as absurd, the wish to unite all the abilities of the House, and yet to exclude from the union the noble lord in the blue ribbon, whose abilities were so great and so well known to the House. He admitted the abilities of Mr. Fox to be great; he allowed him to be one of the greatest men in the world; but he was no greater than Julius Cæsar, who undid Rome. Oliver Cromwell also was a great man, and had led the House of Commons great lengths, but he overturned the constitution: this he thought would have been the effect of the right hon. gentleman's India Bill if it had passed, and it was prevented by the right hon. gentleman over the way; and his continuance in office was no less necessary, in order to prevent the Bill from passing in any other shape. He declared he had no prejudice to the right hon. gentleman; so far from it, that if there was to be an election of a king in this country, he would most cordially give him his vote: but he wished to preserve the constitution from that euthanesia, to which he thought his Bill would have led it.

After some further conversation, the House adjourned.*

* Notwithstanding the discouraging circumstances which appeared in the above debate, the associated members still continued

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Debate in the Commons on the King's Refusal to dismiss his Ministers—and on the Postponement of the Supplies.] Feb. 18. On the order of the day being read for receiving the Report of the Committee of Supply, Mr. Pitt and Mr. Fox rose together, which occasioned a moment's contention in the House; but the latter giving way, the former stated that he only desired to say very shortly what the situation of ministers was previous to the question now to be agitated. He then declared, that his Majesty had not yet, in compliance with the resolutions of the House, thought proper to dismiss his present ministers; and that his Majesty's ministers had not resigned. This much he thought necessary to say, prior to any discussion on the subject of supplies. Upon this,

Mr. *Fox* rose, he had heard the declaration of the right hon. gentleman with the greatest astonishment and concern: it was, in his opinion, such language as this House had never heard since the Revolution, or, however, he might say, since the accession. What was it but a flat and peremptory negative to the sentiments and wishes of his Majesty's faithful Commons, who, ardently desirous of the public welfare, and the honour of every branch of the legislature, had taken the most cautious and delicate means in their power, not only of preventing every thing like a breach, but even of closing the wound when made? In what situation then did the House of Commons stand? To what a degree of insignificance were the representatives of the people, and the people themselves, reduced by this expedient? Could it be said that they had any longer the least influence in the constitution of the country? He would answer boldly, and to the point. In his opinion the matter was nearly at a crisis. Was not this the first answer of the sort that ever had been received by the House from a prince of the Brunswick line? A prince who was born and bred among a people who had long adored his personal and domestic virtues, to whom all the nation looked with pleasure and confidence, whose ancestors had laid them under the highest obligations, and from the qualities and virtues of whose progeny they had the most sanguine expectations; that he should have been the first to treat their humble and respectful representation with so little ceremony as a direct negative, language would not bear him out in stating the sentiments which a conduct so new and extraordinary undoubtedly impressed on his mind. Would any member of the House pretend to say, that

their endeavours to effect a union. They returned their unanimous thanks to lord North and Mr. Fox for their open, candid, and manly declarations of their willingness to conciliate the differences subsisting between the contending parties; and an expedient was at length suggested, which, without any concession of principle on either side, but only a concession of mode, it was hoped might lead to an amicable negociation: this was, that the duke of Portland should be requested by the King to have a conference with Mr. Pitt, for the purpose of forming a new administration. This proposition was acceded to; and a message was accordingly sent by Mr. Pitt to the duke, in which he acquainted him, that he was commanded to signify to him "his Majesty's earnest desire, that his grace should have a personal conference with Mr. Pitt, for the purpose of forming a new administration on a wide basis, and on fair and equal terms." This message was perfectly satisfactory to the duke of Portland as to the mode proposed, but he wished to have the terms of the message perfectly understood between him and Mr. Pitt previous to the conference. The word 'fair' he had no objection to; it was a general term, and they might in framing the arrangement, mutually discuss what each considered to be fair: but the word 'equal' was a limited and specific term, and therefore he wished to know from Mr. Pitt to what particular object it was intended to be applied. It seemed to promise slender hopes of a real union, and had the appearance of forming an arrangement more on the idea of having equal numbers of each party in the cabinet, than on mutual confidence and unity of principles. Mr. Pitt replied, that the word objected to would be best explained at their conference, and declined all further preliminary discussions. Two other proposals were offered by the duke of Portland; the first, that he should be permitted to construe the message of Mr. Pitt to imply a virtual resignation: the second, that he might receive his Majesty's commands relative to the conference from the sovereign in person: but they were both refused.—Thus ended all hopes of a coalition of parties; and the meeting at the St. Alban's closed their efforts with declaring, "That they heard, with infinite concern, that all further progress towards a union was prevented by a doubt respecting a single word; and that they were unanimously of opinion, that it would be no dishonourable step in either of the gentlemen to give way, and might be highly advantageous to the public welfare."

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the present had any parallel in the history of the country, except in such times as one would wish, during the present contest, if possible, to forget? Was there not then actually existing a variance between the House of Commons and the other branches of the legislature? Was the message now delivered of a pacific or conciliatory tendency? Ought not every species of conduct, as things were now circumstanced, to have been as soft and accommodating as possible? Was it friendly to the liberties of this country, the constitutional importance of the people, or the consequence of their representatives in parliament, to have answered their wishes in a manner so very unsatisfactory? Gentlemen in private life regarded each other with so much respect and delicacy, as never, but in cases which could admit of no palliative, to contradict each others desires. It was this mutual deference and complaisance which constituted the beauty, as well as utility of social intercourse: and the powers which entered into the constitution of this country were actuated and kept alive by the constant and happy application of this great principle. Harmony rendered all the branches of the British legislature one, and rendered its operations effectual and consistent. But he would ask what tendency his Majesty's message had to produce that cordiality and union, which constituted the vital spring of the British government? Had not a majority of the House of Commons, almost from time immemorial, governed this country? Was it not a confidence in the House of Commons that gave energy and effect to every administration? Was it not the countenance and concurrence of the House of Commons which gave popularity and stability to the throne? Was it not in clashing with this radical and primary principle that so many calamities had happened in some of the reigns prior to the Revolution? Was it not to the influence of this principle that we owed all the glorious and memorable things that had been achieved during the war before last? What could be the reason for relinquishing a principle, which, ever since its prevalence, has been marked with the most striking advantages? Now, however, was, it seemed, the æra fixed on for governing this country by other principles, without a House of Commons, and independent of the people. But were the provisions so well established by the wisdom and experience of our forefathers to be set aside, and dismissed for the abstractions and theories of innovators, on a system which had stood the wonder and admiration of ages? He trusted the firmness, the magnanimity of that virtuous and respectable majority, who had gone so far and done so much, would not desert them on this critical and trying occasion. He trusted they would face the difficulties they had to encounter with resolution and dignity. They were in circumstances in which no House of Commons had been for many years; and as every thing about them must consequently bear a new aspect, their present duty was deliberation and attention. There was evidently danger in every step; and it became them to think once and again before they acted. Now was the time to make a pause; and he trusted it would be a solemn and decisive one. The subject which demanded their consideration was unquestionably one of the most serious and important that ever had, or ever could demand their consideration. It was neither less nor more than what it became them to do under a circumstance so novel and unprecedented in the history of a free parliament, as to destroy their consequence for ever, unless some method was devised by which their honour and independence could be saved. No man could say this was not an object of great moment; or if any man could boldly come forward and assert that the House of Commons was not in a situation altogether peculiar to the present moment, he would only say, in return, that such a declaration would not be less extraordinary than the fact which it denied.

He trusted gentlemen, on a topic so near to every Englishman's feelings, would excuse his repetitions, as he thought in his conscience too much could not be said to rivet the novelty of the circumstance on the mind. It was at least unparalleled in the annals of the country which related to our most prosperous condition, and had not the shadow of a precedent, but in those melancholy times, which were still the opprobrium of our history, and involved a series of the most awful and affecting calamities that ever degraded and disgraced a great and brave people. If ever, therefore, any period was more big with calamity than another, if ever a design to annihilate the constitution was entertained, it seemed now to be that period and that design. And

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when should the House pause on its situation, its duty, its importance, its interests, its connexions, and the consequences of being reduced and suppressed, but when a proscription stared them in the face? For these, and a variety of reasons, he thought the present subject ought to be delayed. Men's minds, at least those who viewed the matter as he did, could not be in a state sufficiently cool and collected to view the matter maturely and dispassionately. They ought to be permitted leisure, that they might think on every word they said, and every measure they adopted, lest precipitation might derange them, so as to produce the greatest public difficulty.

He had, from a variety of such considerations as these, rose to suggest to the House the necessity and propriety of waving the question of supplies for a very short period, that gentlemen might come on a future day, perfectly awake to the situation in which they were now placed by his Majesty's answer to the resolutions, which, by an order of the House, had been laid before the throne. He did not conceive that any very satisfactory argument could be urged against a proposition so much justified by the present condition of the country at large, and the House of Commons in particular. He called on gentlemen to consider under what a description they would henceforth sit in the House, on the supposition that this contest ended in favour of the present ministry. Did it not completely overthrow their power in the constitution? Did it not reduce them to a state of the most perfect non-entity and insignificance? Did it not make them as little as ever their ancestors had made them great? Did it not strip them of all the powers and privileges with which time, the constitution, and the people of England had vested them, and bring them back to that original insignificance in which some of our historians affected to place them? And was it not in such a progress of degradation as this, that the House was interested in making a stand, and exerting with all its remaining vigour its last efforts in its own preservation? He therefore urged gentlemen, by their regard for a government which had no parallel on the face of the earth, for the salvation of whatever they most valued as men and Englishmen, for all those rights which, having derived unimpaired from their ancestors, it was their duty and their pride to transmit unsullied to posterity, to deliberate on where they were, how they were situated, and to what object these very uncommon circumstances tended. He asked how they could answer to their constituents and their own consciences, for having acted in such a predicament as the present without caution, principle, or mature attention. These had marked, and, he trusted, would continue to mark, their conduct. He had a better opinion of their prudence than to imagine they were to be disconcerted or deranged by any thing they could now hear from a quarter so evidently hostile to their wishes, and which had contrived to act so long independent of their confidence.

He had often stated his conceptions of the prerogatives of the throne. The present question involved them very materially. That his Majesty had a legal right to appoint whom he pleased, and even to continue those whom he had appointed to be his ministers, in opposition to the sentiments of this House, he pretended not to dispute. But he was certain, on the other hand, the public money was trusted with the House of Commons, whose right to distribute that money was at least not less legal. When, therefore, either the one or the other of these rights were asserted in the extreme, he could consider it in no other light than as a challenge; and the party thus defied was bound in duty to its own honour, calmly and deliberately to consider with itself whether it should take up the challenge or not. He did not know that any defiance more explicit and direct could be given to that House than the one which had just come from the right hon. gentleman. He hoped the House was not by any means prepared to accept of it without farther and more sedate consideration. Whatever their feelings and resentments might be, they would not, on an event so awful and portentous, he imagined, act with temerity or indiscretion. They were driven to extremes, and the consequences undoubtedly would be with those who imposed on them a line of conduct which it was their wish, their united desire to avoid. How long it might be proper for them to maintain such a system of moderation and delicacy he did not know; but he was anxious they would depart from it in the present stage of the business as little as possible.

He had been singled out as constantly enjoying a doctrine respecting moderation and temper in the House, of which his

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own example was no very striking specimen: for such a turn to what he conceived to be his duty, he gave the author of it full credit. He was aware at the same time that the sarcasm did not, or at least but slightly, affect him; for he had always observed a material distinction between that vehemence which originated in debate and characterised the mode of individuals, and that violence or inconsideration which often affected conduct. The heat produced by argument, and the circumstances of a popular assembly, was very different from that precipitancy or temerity in action which was always the mark of weakness or design. He was ready to plead guilty to no very common degree of warmth where the subject struck him as interesting and important; but he appealed to the House, to the world at large, and to every act of his political life, whether any part of his public conduct had ever been distinguished by want of temper. He was happy to think that this, at least, was not his greatest weakness, and that the imputation so repeatedly and sarcastically aimed at him would, on the whole, be found more perfectly applicable elsewhere [looking at Mr. Pitt] than with him. But if ever any want of temper could for a single moment be indulged in that House; if warmth was ever justifiable on any subject or at any time; if any emergency rendered it necessary for individuals to take an open and decided part in dispute, this, he presumed, above all the very singular contingencies which distinguished our history, demanded an immediate surrender of every disguise. The point at issue admitted of no parley whatever. It was decided by one party. The other had no alternative but to render their decision as wide, as respectable, and as effective as possible; and he had the most perfect confidence in the prudence and spirit of the House. It was on such occasions as the present that great and conspicuous talents were called into existence, were roused into action, were exerted for the welfare of society, and he did not doubt but the ability of the present House of Commons, in spite of whatever artifices were practised against them, would bear them honourably through the conflict. They would find resources in the cause of the constitution and the people, which no other cause could produce, and which had always, in the face of every opposition and danger, proved ultimately triumphant.

The measures already adopted he had thought were separately and respectively adopted on the most solid and substantial grounds. These had partly been justified by the event. But it was now obvious they had not produced the whole effect for which they were proposed. Others were consequently still necessary. What these should be it did not become him to say; it did not become the House immediately to determine. But, in his opinion, something farther was necessary. The variance stated by the minister to subsist between the crown and the House could not but give something like a new turn to men's feelings and ideas. He confessed it to have impressed him with the most awful apprehensions; and was this a state of mind favourable to the discussion of a question which involved the peculiar distinction of that House? Could gentlemen deliberate maturely on a subject which, whatever way it might be decided, would materially affect the interest and tranquillity of the country by its decision? He considered the message which they had heard from the minister as a greater calamity than any this country had endured for a century past; and the feelings and apprehensions of mankind could not help being alarmed for the probable consequences of a measure that put every thing sacred and valuable to the issue of who should ultimately prove strongest.

He was not ignorant by what reasoning the adjournment for which he should move would be opposed, though his conception could not furnish him with a single argument against it, which would not originate in misrepresentation. Gentlemen on the other side would put a construction on every word he adopted most perfectly foreign to his meaning. To stop the supplies, he knew as well as any man, was an expedient which could only be justified by the last extremity. He begged, however, to declare, that he, for one, was not yet ripe to adopt such a strong measure. His faculties were in a state of suspension by what he had heard, which allowed him not to say what was most proper. The hesitation of eight and forty hours could not much affect the business of the country one way or other; and this was a respite which every aspect which could be taken of public affairs abundantly justified. But he solemnly and earnestly entered his protestation against imputing to this conduct, which originated in delicacy for the honour of the House, any thing like a

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desire to put off the supplies. He knew the necessity of these, and no man could be more averse than he was to do any thing that must prove distressing to the country.

Why, then, were the House of Commons so circumstanced by the obstinacy of his Majesty's ministers, or the advisers of his Majesty, as that they could not preserve their own rights, the rights of the constitution, or the rights of the people, without such an assertion of their prerogative as must be attended with the most serious mischief? Who were to blame for all this, but those who defied a majority of parliament, and set up their own sagacity in opposition to the collected wisdom of the House? He was sincerely sorry any individual should so far forget his consequence, however respectable, as to think it beneath him to submit, not to any personal etiquette, but to the honour of the House, to that voice which had always prevailed in the purest times of this country, to that decision which no minister till now had ever the hardihood to contest, to that constitution which it had always been the greatest glory of the greatest men to venerate and obey. What, then, was the principle on which we beheld at this moment a ministry without the confidence of the House of Commons? an executive government in which the House placed no degree of trust whatever? How could a phenomenon in the constitution be accounted for on those great and liberal principles which had ever been its proudest distinction? He was unwilling to adopt any language that might be capable of misconstruction; but it was fair and manly to say, that the design of ruling this country without the voice of the people was now obvious. He would readily absolve the right hon. gentleman from any imputation of this sort, but he would not so readily absolve those who had secretly advised his Majesty to appoint a set of men to the executive government of this country in opposition to a majority of the House of Commons. These persons, whoever they were, had adopted a system of politics totally inconsistent with the functions of that House, hostile indeed to the spirit and character of a free government. It was their evident intention to render the House of Commons the mere tool and organ of despotism. He hoped the spirit of a brave and a free people would defeat the base design; but the design would not appear the less dark and disingenuous that it was not permitted to succeed.

He had long observed the machinations, hatched and harboured by a combination of persons, against the liberty of this country, whose political principles were too well understood to need any farther illustration. These persons had long endeavoured to have the voice of the people on their side, had long struggled to make the people parties in their own ruin, had long endeavoured to make them at enmity with their best friends, and to persuade them that those only who ran every risk, and sacrifice every thing desirable on their account, were most hostile to their interest, and least inclined, as well as least able to do them any real service. This was one of their most capital manœuvres, which they were playing off in the face of a country bleeding at every pore, and under circumstances which rendered us the derision and contempt of all the world. But how was it meant to demolish the consequence and utility of this House? Had they not resisted every idea of delicacy which ought to have operated in favour of that majority which opposed the ministers they had put in, and continued to support? Had they not trifled with the voice and inclinations of the House, so forcibly and explicitly announced by the several resolutions in the Journals? Had they not procrastinated that issue which the business of the public and the wishes of the House had so long and repeatedly urged, till the patience of the House was nearly exhausted? He hoped that virtue would prove superior to the temptations it had now to encounter; though, as all delicacy was over with one branch of the legislature, some might think it ought also to be at an end with another. He was of a different opinion, and held it to be their duty to continue in the same prudent and respectful temper in which they had begun. Notwithstanding the plan laid to precipitate them into an immediate refusal of such supplies as were necessary for carrying on the public business, he was not without hopes that the House would act such a part as would justify them to their constituents. Whether they should go immediately into a decision which should finally settle the dispute between the privileges of parliament and the prerogatives of the crown, or whether some anterior step might not be deemed more eligible: what this would be, whether two or three hundred expedients

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might be most advisable, were, in the present state of his mind, questions to which he dared not hazard an answer. He would only say, in general, that whatever had the most distant promise of answering any pacific purpose, he, for one, would be anxious to adopt; and, if possible, by every expedient which human sagacity could suggest, to avoid altogether a discussion so hostile to public tranquillity.

He wondered by what principle the right hon. gentleman could reconcile his present situation to the feelings of his own mind. He was satisfied he could not be where he was from choice. Was every one, then, who saw and admired the display of his great and splendid abilities, more sensible of their present improper application than he was? He certainly meant no personal disrespect, and he persuaded himself the right hon. gentleman would not take it in that light, when he suspected he was the dupe of those who were enemies to the constitutional importance of that House. They presumed on his youth, the popularity which attended the family to which he belonged, and the illustrious name which he bore; and were he to use the same freedom in that House which one friend might use to another, and in a room with the right hon. gentleman alone, he would address him on the present contest in these words—"You are contending in the House of Commons, not for the prerogatives of the crown, or the constitution, connected with the exercise of these prerogatives, but for a set of men, who are only making you the instrument of their ambition; and that object gained, they will make you nobody. It is their intention to make you only an accessory to their own plans, and whenever their schemes are fulfilled, they will destroy your utility for ever. They make you exert your utmost endeavours to pull down this asylum of liberty, but you unadvisedly involve yourself in its ruins."—If therefore ministers were determined to brave the power of parliament, and oppose their own personal feelings to the honour of the House and the welfare of the people, they must abide by the consequence. The principle on which they acted was an everlasting bar to any prospect of unanimity in that House. He was alarmed more by this than any other circumstance whatever. It ever had presented to his mind a menacing aspect to the liberties, not of the House only, but of the country. It affected that great vital and active principle in the constitution on which all the privileges of Englishmen hung; and while that impediment remained, no coalescence could be expected. It placed an ocean between them, which it was impossible to pass, and put every wish of agreement or connexion altogether out of the question.

These were a few of the circumstances which at present pressed on his mind the absolute necessity of a solemn pause. This question itself was a question of the last importance, when stated in an abstract and general point of view. He was, however, happy to find that the particular species of supply now moved was not immediately indispensable, and that no material disadvantage could possibly happen, at least for the very short space to which he wished the House to adjourn. He shuddered to debate a proposition of such magnitude:

"Tempus inane peto requiem spatiumque furori."

He wished only for such a pause as would allow gentlemen time to re-consider all the steps which had yet been taken, or might be farther necessary to put a proper period to the contest which had unhappily so long interrupted the business of the public, and concluded with moving, that instead of "now," the report be received on "Friday."

Mr. *Powys* said, that the motion of the right hon. gentleman was the only proper course to be pursued in the present circumstances of the country. It was the moderate course; for he confessed that he dreaded to come to the decision on the question of supplies. If the House must be called to that question, if they were yet to come to issue on the point, he trusted he should have constancy of mind to meet it; but he still persevered in imploring gentlemen to withhold from the alarming extremity, yet to moderate their temper, and to consider that while this dreadful pause existed, the affairs of their country were running into waste. He must, he said, give his concurrence to the motion which had been made, as the only means of giving us a breathing time, in the prospect that a compromise might be brought about; and he confessed that he thought a compromise might yet take place. It was true that the answer which they had received from the crown put the House into a very delicate situation. That House must support their resolutions. They must not, for the sake of any set of men, the ministers of the day, sacrifice their

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character, their duty, their office in the constitution. But they might take a gentle course in pursuing the means which were necessary to their preservation; the answer of the crown could not pass without a notice. [Mr. Powys was given to understand, by signs and in whispers, that the House had not received any direct answer from the crown.]—He said, that they had unquestionably received an intimation of the will of the crown on the subject of their resolutions. The ministers were not changed, nor had they resigned. Was this an answer that either did or could satisfy the House? Must not the House take some farther step on the occasion? He knew it was the sense of the House that they should do so, and he wished to propose a moderate course. It was, that they should either present an address, or pass a resolution, declaring that they had the confidence that his Majesty would yet take measures which should give effect to their resolutions. By this proposition, which, if he found that it met the sense of the House, he said he should move, he trusted the end which they had in view, would be answered. His Majesty would have opportunity to re-consider the resolutions, and they would not come so readily to the alarming question, which must be the result if no other answer was given. In the mean time, he said, the right hon. gentleman had great merit in his moderation. He had proposed an adjournment, by which ministers were yet enabled to shew that they were actuated by better motives than the mere lust of power. Of Mr. Pitt he still professed he had the highest notion, and he confided in his patriotism, and in the integrity which he had always shewn, that he would yet deliberately consider the merits of his situation, and yield to the pressing calls of his country. It was the saying of a distinguished writer, that there were some men whose abilities were born with them; some men who achieved abilities; and a third set, upon whom abilities were thrust. These, the writer said, were the three orders of able men; and all these three distinctions of ability met and were combined in Mr. Pitt. He had the highest opinion of him, and, in taking the part which he did on the present occasion, he by no means intended opposition personally to him. He had confidence in Mr. Fox and his friends, that they had fair and honourable designs in the proposition which had been submitted to both parties of a union. In desiring him to resign before they could negociate, he might be assured that they did not mean to trick him. The whole country would be pledges to him of his security, for the country would not bear to see a ministry formed without him. His Majesty's answer undoubtedly did not satisfy their wishes; but so far as it went, it merited their thanks: but the only real answer that they yet had to their Resolutions, was the seeing the right hon. gentleman in his seat on the Treasury-bench. He trusted he would be able to give a better account of the matter than that he retained his office against the collective wisdom of the House, and that he acted in a capacity prescribed by the Resolutions of the House. So far as these Resolutions were injurious to their country, let the majority who put them upon the Journals be accountable: but since they were there, he held that the House were bound to see them carried into effect. Before he sat down, he said he must take notice of a circumstance which he had heard, and which he thought of sufficient authority to warrant him in putting a question to the right hon. gentleman. It was rumoured, that his Majesty had, with the most paternal attention to the wishes of that House, proposed a measure for effectually answering their Resolutions, by the formation of a new ministry: he begged the right hon. gentleman to say whether this was so or not, and what was the reason that his Majesty's paternal wishes had been frustrated.

Sir *William Lemon* said, that he wished not for any union on the principles now held forth. The minister had made every concession which his personal honour and official situation could permit him to make; and as these two must stand or fall together, he was in hopes he would not stoop to any improper negociation. He had never liked the Resolutions of the House: he thought them arbitrary, violent, and personal. Many allusions had been made to the unfortunate reign of Charles 1. when the House of Commons had swallowed up all the other branches of the legislature. But he begged gentlemen would recollect, that then the people and their representatives were unanimous. The right hon. gentleman (Mr. Fox) seemed abundantly sensible that this was not the case; for the public were all in a ferment against the former ministers, and unanimous for the present. For this reason, instances drawn from that unhappy period

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were by no means applicable to the present. He was glad the minister had discovered so much resolution in so good a cause; and he hoped he would persevere, as the national credit depended on that circumstance, more perhaps than the House in general would be willing to allow.

Mr. *Pitt* was happy to give way to any hon. gentleman, anxious to hear what their sentiments on so important a point were. At the same time it would be naturally expected that he would say a few words on the very extraordinary speech which had been just delivered by the right hon. gentleman opposite to him. A great part of what had been said was evidently founded in a misconception of what he had stated previous to the debate. He would appeal to all who heard him, whether he had stated what he said as a message from his Majesty. The truth was, that he had not signified any immediate communication with the throne on the subject; and in order to put the matter out of doubt, he would repeat his words, and leave the House to judge of their accuracy: 'That his Majesty had not thought proper to dismiss his ministers in obedience to the resolutions of the House, and that his ministers had not resigned.' This declaration he stood pledged to make previous to the present discussion, and thought it his duty to state what he had done; but he little apprehended such a use could have been made of it. He had meant it only as an intimation of the present situation of the ministry, that they were precisely in the same predicament that had produced the resolutions which had been submitted to the consideration of his Majesty. The right hon. gentleman, however, had, with his usual eloquence and ingenuity, laboured this as a direct answer from the throne. He, for his own part, wished as much to bring the question to an issue as the right hon. gentleman affected to dread it. An attempt was made to colour the putting off the supplies, as if it was only the pause of a moment, and that this pause was occasioned by a circumstance which the House had not foreseen, and which put the House, the country, and every thing in quite a new situation. Allowing all this to be true, which he would not allow but for the sake of argument, how could such an explanation of things put a dispute on facts which the least discerning might see through? The supplies were to all intents and purposes stopped. The right hon. gentleman affected to call it postponing, but he trusted the people of this country would see that the trick attempted to be put upon them and on this House, was too shallow to have effect. It could not, he was well persuaded, succeed against the good sense of the people of this country. But why would not gentlemen come openly and plainly forward? He was sure no man would doubt that he allowed the right to the House of Commons of withholding the supplies, whenever the circumstances of the case would justify such a measure; but he was in hopes no man would say the present was a crisis of that kind. The right hon. gentleman, conscious of the fact, was very prudently and consistently averse to push the question. It was then only that the conduct of his Majesty's ministers could be fully investigated. It was on this ground, and for this end, he would urge the going into that question; and he challenged those on the other side to meet it fairly, openly, without disguise or subterfuge, like men. For in this discussion, the different motives of the contending parties would be obvious; and he would say with the utmost confidence and sincerity, that it was a decision he could urge, for which he was anxious, as he knew from the temper and principles of the House, they would be shy indeed, in the present state of the country, to withhold those supplies on which the harmony and energy of government depended, and for which the national faith was pledged.

Many of the right hon. gentleman's arguments had been addressed personally to him, but with what propriety gentlemen of feeling and delicacy would judge. There were points in personal honour which no man of spirit could for any object whatever forego; and whatever were his connexions or attachments, he hoped never to forfeit feelings, without which he could not retain consistently any opinion of himself. He would therefore declare, once for all, that he considered his personal honour deeply and inseparably concerned in the present situation which he held; and that he would not, on any account, first resign, and then stoop to negociate; that was, leave his place in order to make part of a new administration. What! would he consent to tell the world, by such a step as this, that he was capable of sacrificing any thing to the love of situation? No: it did not become him to trifle in this manner either with his own

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character, or his Majesty's confidence. But at present he held a connexion with persons who contaminated him. Would this be any where else believed? And what was the meaning of all those personalities so repeatedly pointed to him, but that he should relinquish one set of men in whom he trusted, and knew he could trust with safety, for another; that he should begin to serve his country by doing a private injury to those whom he could not but regard with admiration; that he should be obliged for a paltry share in office to sacrifice his personal feelings, and treat those with whom he had been long in habits of intimacy and esteem with a neglect which bordered on perfidy. He was convinced the House, the public, those who knew him at least, did not conceive him capable of purchasing office at so dear a rate. These were his sentiments on a subject about which he had been much pressed, and he hoped they would be considered as final. It was certainly true, that his Majesty had been induced, out of his paternal regard for his people, to propose another administration. But the noble duke to whom application for that purpose had been made, had put a very summary period to the business. A personal conference had been desired, which however could not, it seemed, take place till ministers had resigned their situations; and it was moreover to be a condition in this formation, that the right hon. gentleman (Mr. Fox) was to have the sole nomination of the new arrangement.

Mr. *Fox* stated the proposition made to the duke of Portland, as hinging entirely on the House of Commons. This was a circumstance which his grace was not by any means disposed to give up, and therefore every proposition to that purpose would be nugatory, while this essential preliminary was not adjusted.

Lord *North* rose, to offer his sentiments on the present aspect of affairs. He could not consider them but in the most serious light. The contest seemed now to rest precisely on this point, whether the existence of this House was to be continued or not. This question, so interesting in its nature, had been denominated a parliamentary punctilio. But in what did this punctilio rest? Did it owe its existence to a constitutional collision of principles, or to the obstinate pride of the right hon. gentleman at the head of administration? He for his own part was rather inclined to attribute this circumstance to some such cause as he had last described; and to what other could he attribute it? Had not every method which invention could suggest been practised for the purposes of union; but had not all been unsuccessful? He, for his own share, was so much impressed with the awfulness of the crisis, that he was still ready to avow the strongest inclination to sacrifice every thing to introduce and establish union. On this point he had formerly given his sentiments. To these sentiments he adhered, and he hoped gentlemen would at least give him credit, when he affirmed, that no motive would ever induce him to obtrude himself in office, or to throw an obstruction in the way of producing that union between parties which was so ardently desired. What, then, could be the reason for ministers retaining their places, contrary to the opinion and in defiance of the resolutions of the House? All their objections had been obviated. The India Bill, that monster which they had conjured up, was to be shaped to their own liking, at least its most exceptionable clauses were to be placed under proper restrictions. India was, therefore, out of the way. He himself was out of the way. On what ground then, on what plausible pretexts could ministers either rest their claim to office, or shelter themselves in the retention of their places? He was happy to find that all their ostensible reasons were removed, and they were driven to the last shift, that of asserting, that their remaining in office was now no point of public concern, but a duty which they owed themselves. The Chancellor of the Exchequer had declared, that he must be driven from his situation—that he should contaminate himself by yielding to the sentiments of the House. But is his submitting himself to the decision of this House a circumstance of contamination or reproach? In the situation in which he himself had been placed some few years ago, he yielded to the sentiments of the House; but did this concession of sentiment imply guilt, or criminate him either personally or publicly? Quite the reverse. In his conduct on that occasion he had only acted as it became every minister to do. He had yielded to the sense of parliament, a duty which he should always reckon himself bound to fulfil. Much had been said of the intemperate language and conduct of opposition. But how could such assertions be supported? Had they not

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conducted themselves with the utmost deference to majesty and the dignity of that House? Yet their moderation was denominated violence, and the temper of their conduct, rashness and precipitation. But had such assertions any foundation, or were they admissible in propriety of language? If words were not altered, if they had not ceased to be the 'vera vocabula rerum,' they could not be applied. The right hon. gentleman now challenged the decision of the House on the supplies. He wished to listen to the opinion of parliament. These condescensions gave him much satisfaction. He was happy to find that the right hon. gentleman shewed any disposition to attend to the sentiments of the House. This was surely a revolution both of principle and conduct in him, and totally different from what in former instances he had avowed and practised. Before he sat down, he would advert to one circumstance respecting what the right hon. gentleman had stated in regard to the resignation of ministers. He had observed that right hon. gentleman sometimes inaccurate and inarticulate on particular points which did not just answer his purpose. He should therefore be glad to know whether the right hon. gentleman had said that ministers had not resigned, or that they had not yet resigned. The monosyllable 'yet,' in this instance, which, perhaps by a fraud of inarticulation, the right hon. gentleman might have smuggled, was of the utmost importance to be known. Much had been said of the popularity of the present administration. From what sources did the minister borrow such sentiments, and such nostrums? Was it from those that sat round him? Or was it from the tumultuary meeting which had been held last Saturday in Westminster-hall? He was convinced that on the complexion of that meeting it was extremely difficult to decide: one description of citizens had cried out, 'No coalition!' Another had called out, 'No back-stairs influence!' but which of these popular clamours had predominated, depended on the utmost nicety of ear to determine. These vociferations of the multitude, besides, were not altogether the result of the dispassionate decision of the citizens of Westminster, but owed their origin, as he had learned, very much to the nervous, impassionate gesticulation, and sonorous eloquence of one noble lord (Mahon), and to the very disinterested eloquence of another (lord Mountmorris), who, to be sure, was not biassed by British property; who had exposed himself in his voyage to this kingdom, to the perils of the seas; who professed himself a citizen of the world, an advocate for the universal rights of mankind; who had abandoned his own country, who had even left its freedom at hazard, that he might devote himself to the interests and salvation of this nation. From the influence of such characters on the minds of the people of this country, there was no reasoning, nor were these the proper test of popular approbation. The noble lord again lamented the circumstances of the present crisis, in which the two powers of the country were drawn to extremes. He hoped this calamitous situation would be averted, if possible, and that the right hon. gentleman would think of making some sacrifice of his mighty dignity. It was a cruel circumstance for the House to be compelled to come to a resolution derogatory of the prerogatives of a monarch, who had so frequently expressed his predilection in favour of its honour and its privileges.

Mr. *Brooke Watson* said, as reference had been made to the sentiments of the people out of doors, respecting the popularity of ministers, he would state to the House the opinion, though not of the body, yet of a considerable body of the people on that subject. It was that of the citizens of London assembled in Guildhall last week. At that meeting, they had given an explicit sentiment in favour of administration.

The *Solicitor General* combated an idea, which he stated had been thrown out by Mr. Fox, that a case similar to the present, in which majesty had refused to attend to the voice of the House of Commons, and the House of Commons had on that account refused to grant him supplies, had occurred since the time of the Revolution. [Here he was reminded by a general cry of the House, that Mr. Fox had restricted his period to that of the accession of his present Majesty.] He affirmed, however, that Mr. Fox had confined himself to the æra of the Revolution, and he was of course entitled to reason on that point. He would state, in opposition to this mode of reasoning, a case directly in point. On the 13th of May, 1701, the House of Commons, after various resolutions, at last agreed to address his Majesty to remove for ever from

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his presence lord Somers, lord Orford, and the earl of Portland. After doing this, however, did they suspend the supplies till such time as his Majesty's inclination was known? No: for the very next day, they voted a supply for guards and garrisons, which was nearly the same thing with an ordnance estimate. He adverted to the precipitancy of the manner in which the resolutions had been passed, and contrasted that circumstance with the affected moderation of the present motion. He said, test in office had been called for from ministers. The House would not allow them to give evidence of their ability and character. It insisted on the minister's retiring, and by such a resignation declaring himself guilty. He expatiated on the popular qualities of the minister, and declared, that he was the minister of the people. He reasoned on the late addresses which had been presented to the throne, and insisted, with many significant nods, that they were not the effects of imposture.

Mr. *Erskine* said, that the learned gentleman, in order to make a display of his reading in the Journals, had insisted, that his right hon. friend (Mr. Fox) had said what he did not say, or what, if he did say, he immediately checked himself in: for he did not say absolutely that this was the first time since the Revolution that the crown had given a flat refusal to the request of the Commons; but having said it so at first, he instantly corrected himself by saying, "at least since the accession of the House of Hanover." The learned gentleman might therefore have spared himself the trouble of producing a precedent to prove what nobody had denied. He justified the resolutions of the House against the ministers, from the famous work of lord Somers, written in answer to the declaration of king Charles the second to the people of England, on the dissolution of the parliament in 1681—reading several passages, which took up the distinction between impeachments to punish, and addresses and resolutions to remove ministers: the first requiring accusation and trial, the last resting on that opinion which may depend upon matters palpable and certain, though beyond the reach of legal proof, and which may be destructive of all confidence, though not a foundation for punishment.

Sir *William Dolben* declared himself a friend to the original motion. The answer that had been that day given as the import of his Majesty's determination respecting the two resolutions he conceived to be proper, and such as ought to be satisfactory. To the first resolution, that declaring it to be the opinion of the House, that there ought to be a firm, efficient, extended, united administration, it was plain his Majesty had been graciously pleased to attend, having had the goodness to endeavour to procure a conference between the right hon. gentleman and a noble duke. With regard to the second, declaring the continuance of the present administration to be an obstacle to that, the declaration of the right hon. gentleman that day, he thought, was a sufficient answer; for he saw no reason whatever for the right hon. gentleman's resigning. He complimented Mr. Fox on his abilities. He said he believed his ambition was to do good, and that he had it in his power to do a great deal towards saving his country, but wished he would let others participate in the glorious work. He said, if the argument prevailed, that the House had a right to negative the King's nomination of ministers, while it was admitted on all hands that it was the undoubted prerogative of the crown to name its own ministers, it was reducing the prerogatives of the prince upon the throne to a mere state of empty pageantry, and putting them upon the footing of governor Sancho's feast, serving them up with pomp, and announcing their names in form, in like manner as the dishes were set before the governor of Barataria, but not suffering the King to exercise any one of them, any more than Sancho was permitted to taste and enjoy the viands that were brought to his table. This was treating his Majesty shamefully. It was

"To keep the word of promise to the ear,
And break it to the hope."

He hoped that union so earnestly desired would be effected, but he thought it extremely wrong to stop the supplies, and could consider the present amendment in no other light.

Mr. *Scott* spoke against the amendment. He acknowledged the great authority of the House, and that if they insisted ministers should go out, they must go. If they were to resign for the purpose of negotiating, he should not be sorry; but if it was merely for the purpose of gratifying the vanity of the other side of the House, or to lower the present ministers in the estimation of the public, he would advise them not to think of a resignation;

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at present, they had the people on their side, many of whom, in the addresses to the throne, spoke very different language from that of their representatives in that House.

The question being loudly called for, the House divided; Yeas, 208; Noes, 196. Majority for the postponement of the supplies, 12. When the division was over,

Mr. *Powys* moved, "That this House, impressed with the most dutiful sense of his Majesty's paternal regard for the welfare of his people, relies on his Majesty's royal wisdom to take such measures as may tend to give effect to the wishes of his faithful Commons, which have been most humbly represented to his Majesty, and which his Majesty has been graciously pleased to assure this House, that he will take into his consideration."

Mr. *Pitt* strongly insisted that the House, by postponing, had absolutely refused the supplies. He likewise declared that he saw no necessity for the motion in question.

Mr. *Fox* insisted that no such thing had happened, and declared that it was the farthest from his wishes; nay, had the question been to deny the supplies, he would have voted against it, on the ground, that he thought the House had not yet tried every means in their power to get a direct answer relative to their resolutions. He was of opinion that his hon. friend had better withdraw his motion for the present.

Mr. *Dempster* said, it was extraordinary that Mr. Pitt should insist on knowing better than the persons themselves what construction they had put on the vote they had given. He assured him on his honour he had not voted with an intent to deny the supply, but merely to postpone it.

Mr. *Powys* hinted his acquiescence to withdraw his motion, on which it was withdrawn.

Lord *Mahon* then desired to know, whether the hon. gentleman intended to bring it forward again as the next day.

Mr. *Powys* said, he would not pledge himself to any such thing.

Lord *Mahon* then wished to know, whether Mr. Fox intended to bring forward that motion, or any other, as to-morrow.

Mr. *Fox* said, it was sufficient for him to acquaint the House, that the committee on the state of the nation would sit to-morrow; therefore it was the duty of members to attend. Whether any motions would or would not be made, he could not particularly say.

Feb. 19. Mr. *Powys* begged to say a few words in vindication of his character, which, in common with the rest of those members who composed the majority last night, had been improperly attacked by the Chancellor of the Exchequer, a little before the House adjourned. That right hon. gentleman had ascribed motives to the majority on the last night's division, which he could venture to declare did not actuate his conduct: he had charged them with having refused the supply. He assured the House, that when he voted last night against the bringing up the report from the committee of supply, nothing could be farther from his intention than to refuse the supply; his only motive, and that he believed of the whole majority, was merely to delay the consideration of it, until the House should have time to take some previous steps, which the exigencies of the times required: and in order to convince the right hon. gentleman that this was his motive, he would to-morrow prove to him, by voting for the supply, that he did not mean ultimately to refuse it: at the same time, however, he thought it proper to say, that the vote of supply ought to be preceded by some such resolution as he proposed last night; and therefore he would endeavour to new model it in such a way as to remove any ambiguity to which it appeared liable, and he would move it to-morrow before the House should proceed to vote the supply.

Mr. *Pitt* replied, that as he did not mean to anticipate the debate upon the motion, of which the hon. gentleman had just given notice, he would not say any thing at present on the subject. He agreed with the hon. member, that the most effectual mode by which he could convince him and the public, that by his vote of last night he did not intend to refuse the supply ultimately, would be to grant it to-morrow. When that event should have taken place, he would then retract the opinion he delivered last night, that the intention of the majority was to refuse the supply.

Mr. *Fox* said, that when the right hon. gentleman was pleased to say that the majority of the House, on last night's division, meant wholly to refuse the supply, he did so in direct opposition to the declaration of every man who had spoken on the question; for they one and all declared, that they had not the least intention to withhold the supply; but that

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they thought it necessary to pause a while, in order to consider what measures ought to be taken in so new and extraordinary a situation of affairs. He thought then, and he thought so still, that the supply ought not to be withheld; but he thought also that it ought not to be voted unconditionally. Some measure ought necessarily to be adopted; such, for instance, as that which had been alluded to by the hon. gentleman who spoke last but one; upon the success of some such measure he was ready to vote the supply, relying, with the utmost confidence, that his Majesty would attend to the voice of his faithful Commons.

Mr. *Pitt* said, that when any proposition should be submitted to the House, it would be for them to dispose of it as they should think proper; but he would never make a compromise on the subject.

Mr. *Fox* replied that he wanted no compromise; but he desired the right hon. gentleman would recollect, that he (Mr. Fox) was not pledged to vote for the supply; he thought it ought to be voted; but at the same time he thought the vote ought to be preceded with some other, without which he was of opinion the supply ought still to be postponed a little longer; and the more so, as this particular supply was not in its nature very pressing.

Mr. *Marsham* declared, that in voting last night for postponing the supply, he never entertained an idea of refusing it entirely; and therefore he felt himself not a little hurt by finding that Mr. Pitt ascribed to him, and to the majority, motives which they never felt. He advised the Chancellor of the Exchequer not to take up slightly opinions that were injurious to men who respected their characters. For his own part, he did not think he ought to consider himself in a better light than that of a Frenchman, who met in an assembly with others, to register the edicts of a sovereign or his minister, since he was not to dare to exercise his freedom of acting, without bringing down upon himself the most ill-grounded and odious charges from the minister of the crown. The right hon. gentleman ought to recollect, that when he threw out such reflections against members, he must not expect to be looked upon in his private capacity, but as his Majesty's minister, whose menaces were injurious to the cause of liberty and the freedom of debate.

Mr. *Pitt* replied, that he did not take up his opinion lightly; he thought last night, and he thought still, that to pass such a vote as the House passed last night, was, under all circumstances, tantamount to a refusal of the supply; and it was not upon slight grounds he formed that opinion.

Mr. *Fox* charged Mr. Pitt with having shown the most sovereign contempt for the constitution, and with having arrogantly and insultingly trifled with the opinion of the House; in defiance of which he had dared to give such unconstitutional advice to his Majesty, as had made him give such an answer to his Commons as none of his race ever gave before.

Mr. *Wilberforce* declared, that to him the vote of last night appeared in no other light, than an attempt wholly to refuse the supply, and by that idea he had been guided in the vote he had given.

Mr. *Honeywood* said, that when he voted for postponing the supply, he never dreamt of withholding it entirely; he looked only for a short delay, until the House should have time to consider what ought to be done in so critical a state of affairs.

Mr. *Powys* hoped his character was so well known that it was not necessary for him to declare, that whatever he thought, he dared to say, and whatever he said, he dared to think; and therefore he flattered himself that it was not necessary for him to assure the House, that when he said he meant only to delay, not to refuse the supply, he meant what he said. If he wished not to postpone merely, he would have done like a noble lord (Camelford) who a few years ago, distinctly and avowedly moved, that no supply should be granted.

Mr. *Pitt* warned the House to beware of the confusion into which the nation would be plunged if the supplies should be withheld.

Mr. *Fox* said, the confusion could be created only by the right hon. gentleman, by his obstinately resolving to remain in office. When lord Camelford moved that the supplies should be wholly denied, he by no means intended to create confusion; but he had so high an opinion of the patriotism of the noble lord in the blue ribbon, of whom in other respects he thought very ill, that he knew the noble lord would not throw the nation into confusion by staying in office, after the supplies should have been refused; but that he would have immediately quitted his

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situation, and in a minute all would be peace again. It would be just so with the right hon. gentleman. Confusion could be created only by his remaining in office; and the moment he should retire from it, all would be harmony again. He concluded by moving, "that the committee on the state of the nation do sit on Monday," on which day an answer might be expected to the address, which he hoped the House would vote to-morrow.

The motion was agreed to.

Debate on Mr. Powys's Motion, "That the House relies on the King's Readiness to form a United and Efficient Administration."] Feb. 20. Mr. *Powys* rose, and said, that he had to beg the indulgence of the House to a motion which he had already intimated but imperfectly. He was however now fully prepared to state it as distinctly as he had conceived it. The grounds, the objects, and the effects of such a proposition as he now thought proper to mention, claimed the attention of the House. The pressure of public calamity and embarrassment pointed to the motion he would suggest. He came forward with the motion he was now to make, from a conviction that the constitution was in danger. This was the idea which pressed upon his mind, and to which he owed his present feelings; and this, as well as every other step he should take, he would direct to the preservation of the utility, the dignity, and the honour of the House of Commons. No man, when the right hon. gentleman stated the answer of the crown to the resolutions of the House, who thought with him, but were of opinion, that some step ought undoubtedly to be taken previous to stopping the supplies. Then what was the measure most eligible on that occasion; and which, while the minister retained his situation without effect, the House was in some degree bound to adopt? Supposing the supplies had preceded this motion, what would have been the construction of that conduct? "You were told that his Majesty had not, after taking your resolutions into his most serious consideration, thought proper to dismiss his ministers, and that his ministers had not resigned." You, notwithstanding this intimation, voted the supplies. Was not that a most perfect and implicit acquiescence with a rejection of your own resolutions, and consequently of the honour of the House, so far as it is connected with these resolutions? In what situation, then, can you ever be which can justify your demurring when this did not? The only reason, therefore, which existed against this last deed, this ultimate resource of the House, was their confidence in the paternal care of majesty, who felt for the public, and would undoubtedly not be wanting to relieve them. He was not one of those who dared construe his Majesty's demurring on the present delicate question, as a negative to the opinion thus solemnly stated and respectfully announced. He would not suffer himself to put such a sense on the royal conduct; whatever might be the reason for the present apparent indecision in administration, he was persuaded that on reconsidering their situation, they could not resist the strong and emphatical wishes of this House for their removal. This brought him to consider the effects of his motion. He did not mean it should produce the ignominy or degradation of the right hon. gentleman. That it should put an end to his present situation, as inimical to the honour of parliament and the progress of public business, he heartily wished. But he could see a very strong distinction between personal honour arising from the discharge of public duty, and that species of honour connected with such a situation as proved a bar to it.

He hoped the right hon. gentleman would consider again and again before he finally determined on persisting in an opinion so diametrically opposite to that of the House of Commons. What were the supports to which he looked for countenance and efficiency? The confidence of the House of Lords was one. But how is that support announced? Their Address had not, in his opinion, one word directly in his favour. He considered it as a neutral manifesto, from which no party could derive any material advantage; and it would be viewed by the public and posterity only as a simple pledge of their preference for the right hon. gentleman as opposed to those who preceded him in office. Perhaps his chief dependance may be placed on a large body of the people, who were undoubtedly on his side. The question, however, was still to be asked, on what grounds? Why did they prefer him? Was there a member in the House so blind as not at once to comprehend the motives which influence most of those without doors, who were avowedly and decidedly for the present minister? They were attached to his personal

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virtues and accomplishments. The glory of his father's reign shed a lustre on the political conduct of the son, which charmed the people; and he hoped that charm would not easily be dissolved. But they could not ground their attachment on any thing he had yet achieved for the country. They were not in a situation to be able to decide on the present contest. It was too constitutional and abstracted to come within their mode of thinking. But the qualifications of the minister and the illustrious name he bore, were objects of their adoration. It was a subject, however, which he ought to contemplate with much deliberation and impartiality, whether the people at large, or any very strong party of them, would long continue so very inattentive to their own rights, as to support him against their own representatives, their own interest, and that constitution which is so peculiarly theirs.

The objections which had been held out against that general and substantial union so desirable to the House and to their constituents, were three—the Receipt-tax, the India Bill, and the Coalition. In every one of these, concessions had been made in a manner which did infinite honour to the right hon. gentleman and his noble friend below him. The receipt-tax, he, for one, had ever thought a proper, a necessary, and by no means an oppressive one. The state of our finance made it indispensable. He had voted for it in company with the right hon. gentleman and a ministry whom, in a great many other things, he had opposed. But by a late decision of the House, the minister had adopted it, and therefore no obstacle whatever on that subject could now remain. Was it, then, the late India Bill which retarded a measure of so much consequence to the public? That Bill he had from the first reprobated in the most decisive terms. He had not, to the present moment, altered his opinion one tittle on the subject. But, surely, that part of the House who had viewed it in the same light with him, would allow the case to be greatly changed for the better, since, as he understood, the poison of that Bill was to be done away. The strongest exceptions to it, with him and many other gentlemen, was the vast patronage it entrusted in hands which they deemed not sufficiently authorized by the constitution. He would beg leave, however, for one, to consider the right hon. author of that measure as solemnly and repeatedly pledged to the House, that the offensive mode of placing such unbounded patronage should be completely removed. He was happy that the measure was to be accommodated by the House; and that the principle of a strong efficient government at home was the whole of what was desired. The coalition was one very insurmountable obstacle to the union in contemplation. But had not the noble lord in the blue ribbon cut out the tongue of that monster, so that it could not henceforth bite its master? And this was such a monster as the right hon. gentleman would find some difficulty in subduing, unless by condescending to meet the requisitions of the House. The noble lord, however, had greatly and generously offered not to stand in the way of any such general coalescence, as the public, at this juncture, so importunately demanded; and, by that manly action, had secured many new, without losing one old friend. He then adverted to the addresses of the people, on which he thought little ought to be said; but the principle on which such of them as were really voluntary originated, he thought was equivocal. That many of the people were alarmed at the India Bill, he owned to be a fact; but when that Bill received a new form, he trusted it would be accompanied with the public confidence. He expressed great surprise that nothing had yet been heard of in the House concerning such taxes as the exigencies of the Treasury demanded. Were ministers afraid that doing their duty might shake their popularity? But while he was speaking, another of his Majesty's servants might be proposing some financial scheme of that kind in another place. Possibly the budget might be opening there. He hoped, however, the House of Commons would have something to say on the subject, and that some opportunity would be afforded them to object.

From the most impartial attention which he was able to give, the offices of the executive government appeared to him substantially vacated, and all the functions of that operative part in the constitution for some weeks past to have been fast asleep. What had ministers done? What could they do? He mentioned several very pressing circumstances in the affairs of the country, which rendered, in his opinion, their present inactivity highly culpable: and he appealed to the House, whether any man could retain a situation, with any

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degree of propriety, which involved in it so many public and palpable disadvantages. The right hon. gentleman had himself acknowledged, that his continuance in office could only prevent certain mischief. How was he to interpret that language? Was this country reduced to the necessity of supporting a minister who could do nothing, merely because, without him, nothing was to be expected but evil? Did he apprehend, after the country had been told, in so decided a manner, that the India Bill would not again be brought in with that which had been before considered as its sting, that the attempt which had been so generally reprobated could be henceforth renounced? He was one who considered the real prerogatives of the crown as no right of the people. The rights of all the separate branches of the legislature were, as he understood the subject, separate and distinct; and he would venture to assert, that there was not a wish, on his side of the House, to confound them. No monopoly of power was intended; and let those who declined a proper participation of it, be responsible, in God's name, for the consequences which might be the result of such a conduct. He wished the right hon. gentleman would regard this consideration with coolness and temper. He was ready, for his own part, to sacrifice every prospect and possibility of popularity to his duty, and would willingly become the martyr to his political character. If the standard of unlimited submission was to be held up in that House against the standard of independence, he knew to which of the two standards he belonged: he knew where and how his duty and conscience directed him to act. What had the House heard concerning their willingness to negociate or come to terms, which could produce the least confidence in their readiness to act a part which it was obvious the people desired? Personal etiquette. Beyond this, one satisfactory idea from the right hon. gentleman had not transpired. The patriotic views of his Majesty for the purpose of making an arrangement for a new administration, had been hitherto rendered fruitless by a ridiculous and absurd adherence to punctilio. One side thought it would fix dishonour on the right hon. gentleman, if he was to resign for the purpose of entering into a negociation, while the other would not treat with the minister while actually in office. Thus, while the two right hon. gentlemen were consulting their vocabulary and dictionary, all the functions of government were at a stand, and the nation was verging fast to ruin. The transcendant abilities of both, if united, might be of the greatest service to the state; but if they were thus to remain in opposition to each other, to the complete stagnation of all public business, those abilities, which were the admiration of the House, and which might be so beneficial to the country, would prove the greatest curse to it; and the man who, in that case, should move for leave to bring in a bill for banishing them both, would render a signal service to the state. The contest now looked serious; the standard of prerogative seemed to be erected on one side, and that of privilege on the other; to which it was his duty to resort, he could not, as one of the people, have the least difficulty to determine. He, therefore, warned his right hon. friend, by his regard for the country, not to remain any longer in a situation, in which he could not be of service to the public; but in which, on the contrary, he impeded all the business of the nation. He did not intend to move an address to his Majesty on this subject, because he was convinced it was not necessary to fatigue him with addresses, praying him to do, what he was sure his own native regard for his people would make him desirous to effect. The motion, therefore, that he would make, should be merely in the shape of a resolution; and he had no doubt but it would meet with the success that gentlemen might wish. If the motion he intended to make should pass, then he was ready to vote the supply; but to a naked and unexplained vote of supply he was not yet ready to come. He concluded with moving, "That this House, impressed with the most dutiful sense of his Majesty's paternal regard for the welfare of his people, relies on his Majesty's royal wisdom, that he will take such measures as may tend to give effect to the wishes of his faithful Commons, which have already been most humbly represented to his Majesty."

Mr. *Hussey* seconded the motion.

Mr. *Eden* said, that he did not mean to oppose a motion, which, as far as it went, he entirely approved: but, in his opinion, it ought to go one step farther; for which reason he intended to move an amendment. The hon. gentleman had very truly said that the present administration had not power to go on with the public business,

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and that government had been virtually vacated for many weeks past; this was undoubtedly true; for during the three or four last days of the existence of the late ministry, and for the last nine weeks, the business of the nation had been at a stand. Since the present minister got into power, he had found himself in eight minorities, on questions, one of which would have been sufficient to have overturned an administration in former days; and in one majority, which was on the receipt tax; on which occasion, however, the minister did not think proper to say one word in favour of the question for which he voted: probably he was so transported with joy at finding himself supported by so considerable a majority, that his joy deprived him of his speech, and for that reason he did not venture to speak for the receipt tax, though he was pleased to vote for it. The popularity of the minister had often been mentioned, and the various addresses from different parts of the kingdom were adduced as proofs of the existence of it: but he was of opinion, that it was no easy matter to collect the sense of the people from addresses: it was not thought a very difficult matter to procure them on any subject. Gentlemen might recollect the different opinions relative to the addresses that were presented on the American war, and the petitions on the subject of the reduction of the influence of the crown. In the one case, the enemies to the prosecution of that war would not admit the addresses as proofs of its popularity: in the other, those who resisted the petitions contended that they contained the sense of those only who signed them, and not of the counties or towns at large from which they were presented. But if it should be contended, that the sense of the people was to be collected from addresses, and, farther, that the people were always thoroughly acquainted with the subject on which they sent up addresses, he would state to the House a very curious fact that happened about a century ago: When Charles 2, towards the close of his reign, formed the plan of rendering future parliaments subservient to the will of the crown, he could not think of a better way than by new-modelling the different corporations in the kingdom, in such a manner that the court would always have at its disposition the magistrates and electors of the cities and boroughs: to this end he formed the design of getting all the charters into his hands, in order that he might grant new charters, with such provisions and restrictions as should answer his purposes. With this view he ordered his Attorney General to proceed by *Quo Warranto* against the different corporations, and to begin with that of London. One might imagine that this produced a convulsion in the nation; but the reverse was the fact: addresses were poured into the court from all quarters, thanking his Majesty for his regard for, and attention to the constitution; the Gazettes of 1682 and 1683 were filled with addresses; and what was not a little remarkable, the very first address that was presented was from the county of Berks, in which the court, being then at Windsor, resided. If the people were deluded on one occasion, so far as to thank his Majesty for one of the most unconstitutional acts that could well be devised, and even to think this act to proceed from a love of the constitution, why might it not be possible that, in the present day, another popular delusion should produce addresses to thank the crown for the dismission of ministers, who were acting for the constitution, and promising to support their successors in office, who, on account of the means by which they got into power, ought to be dreaded by every man to whom the preservation of the constitution was an object. The continuance of these ministers in office was certainly attended with unspeakable prejudice to the nation, for all business was completely at a stand: he ventured on a former day to call them nominal ministers; and the right hon. gentleman, who made the motion then before the House, supported that opinion, when he said that the functions of administration had been vacated for some weeks. With respect to the coalition, which had been called a monster, he should be sorry it was extinct; he wished the right hon. gentleman, instead of being able to destroy it, was under its protection: he advised him, on a former day, either to resign, or to tell the House that he set their resolutions at defiance. By either step, the country would be a gainer; because, if he resigned, a strong government might be formed; and if he avowed that he set the House of Commons at defiance, the House might possibly then take such steps as would effect his removal. The withholding a supply was a privilege which he thought was still in that House, and which might be exercised for the benefit of the people. To this privilege no man who

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loved his country would ever resort without the most pressing necessity; but if such a necessity should ever occur, no true lover of his country would wish to see this privilege lie dormant. If the wishes of the House were to be gratified by the crown, and the constitution secured, no man would think of withholding the supplies: but unless some such motion as that which was now under consideration was passed, he, for one, would not vote this night for the ordnance supply. But to come to the point to which this amendment was directed, he reminded the House that two resolutions had been voted by the House, and laid before the King: one, that the arduous and critical situation of affairs required the exertions of an efficient, extended, and united administration; the other, that the continuance of the present ministers in office was an obstacle to the formation of such an administration: the House, therefore, ought, in consistency, to look for the removal of the ministers, as the only means by which such a government might be formed, as all parties had unanimously voted to be necessary: with a view therefore to this, he moved the insertion of the following words, after the words "measures as" in the original motion: "by removing any obstacle to the formation of such an administration as this House has declared to be requisite in the present critical and arduous situation of public affairs."

Sir *William Wake* opposed the motion. He said that the tide of popularity unquestionably ran in favour of the right hon. gentleman at the head of the ministry, though he would not say that there were not places, one of which he knew very well, where the public opinion was in favour of the late administration. The House, indeed, was against the minister; but what was a small majority of that House, compared with the other two branches of the legislature, and the voice of the people? The House had passed some resolutions, injudiciously, in his opinion, and now made it a point of honour to adhere to them. A mistaken sense of dignity in the American war had nearly ruined this country; and it would be a fatal dignity indeed, if it should, on the present occasion, be productive of those mischiefs that might be apprehended from it.

Mr. *Powys* said, that seeing by the countenances of gentlemen, that they wished to know his opinion on the amendment, he would gratify the House on that head. He confessed that it did not appear to him at all necessary, because he had the firmest reliance that his Majesty would yet lend a favourable ear to the requests of the House. He made no doubt but the right hon. gentleman, high in office, would avail himself of the delay of two days between this and Monday, to re-consider with his colleagues the resolutions that the House had already laid before his Majesty; and he flattered himself that the answer would still be favourable. Having said this, he was ready to declare, that if the hon. gentleman pressed his amendment, he would vote for it.

Mr. *Bankes* thought himself bound in truth and in justice to say that he believed the motives of the hon. gentleman who moved the original question, were as pure as he described them to be. With respect to the question, as it had been originally moved, it did not strike him that there was any thing in it objectionable, and therefore he probably might have voted for it, had it remained in that shape; but since the hon. gentleman had moved an amendment, the nature of the question was materially altered; and whatever he might have thought himself bound, through consistency, to give to the question in its first shape, he could not hesitate for a moment relative to the vote he would give if the amendment should be carried. The House would recollect that two resolutions had been laid before his Majesty, one of which most certainly passed unanimously; but the other was carried only by a small majority; now the right hon. gentleman who moved the amendment, very ingeniously and dextrously engrafted the latter upon the former, in hopes, no doubt, that the House, from having unanimously passed a question, which in point of principle was the same with one part of the amendment, might be induced to agree to another, which was taken from a resolution that had been opposed, and carried only by a small majority. But the House, he trusted, would make a due distinction, and reject that part which had been opposed before, if it was expected that the other might be passed now. The hon. member who opened the debate, touched upon three grounds on which he said the unpopularity of the late administration was founded —the Receipt Tax, the India Bill, and the Coalition. With respect to the first, the hon. gentleman had asked if the present ministers would wish to rest their popularity on the support they had given to the

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receipt tax; he would answer him, that the part which his right hon. friend (Mr. Pitt) took, when the tax was first proposed, was no secret; he made no secret of it; he gave his opinion on it when it was first opened; he supported it openly in the face of the country; it was clear, therefore, that the popularity of the present administration did not arise from an opinion now prevailing among the people, that his right hon. friend was an enemy to that tax, and that he would take the first opportunity to repeal it. The second point was the India Bill, which unquestionably appeared to the public of a very alarming nature; but the hon. gentleman said the poison had been extracted from it; the patronage which had been the greatest cause of alarm was to be so settled, as to remove the objection to the Bill arising from that point. But how did the House know this? Let the Bill be first brought in, and then printed; the House would then be able to judge how far that dreadful evil was removed: at present, it could not be expected that the House would go the length of saying, that now there was no objection on the score of patronage; it would be time enough to make such a declaration, when the Bill, in its new form, should have been printed and put into the hands of the members. For his own part, he would go so far beforehand as to say, that if the article of patronage should be disposed of in such a manner as that it should not endanger the constitution, undoubtedly the principal objection that he had to the Bill would be removed. As to the third point, the coalition, it certainly was not dead; it was still in full vigour: if the Chancellor of the Exchequer was to unite with it, he would only make himself a sharer in that unpopularity which attended the coalition. On that head he would ask one question, the answer to which would be applicable to his right hon. friend: the question was, would the right hon. gentleman declare, that if he had seen the unpopularity the coalition had since drawn upon his head, he would nevertheless have formed it? If he answered in the affirmative, he would of course point out to his right hon. friend, that he ought not to think of coalescing. The addresses in Charles 2's days need not have been mentioned, unless the addresses of the present days had been to pray the king to restore those ministers who had attempted to shake the foundation of corporate bodies, and rob them of their charters. But the anecdote was certainly inapplicable on the present occasion, when the addresses contained thanks for the dismission of ministers who had attempted to invade and trample upon chartered rights. With respect to the motion, he objected strongly to the amendment, and therefore, if it should be carried, would oppose the whole motion so amended.

Mr. *Marsham*, notwithstanding the odious interpretation that had been put upon his conduct, when he voted for postponing the supply, still maintained that he never meant to refuse it ultimately. He wanted only a short delay of forty-eight hours to take breath, after the message which had been delivered by the Chancellor of the Exchequer to the House, and from which it appeared that the wishes of the House, contained in the resolutions that were laid before his Majesty, had as yet produced no effect. To have voted the supply unconditionally after such a message, without explanation, and without taking any notice of it, would, in his opinion, have been a proceeding that would have sunk for ever the consequence of the House; and he was sorry that a respectable baronet on the other side of the way had spoken so triflingly of the dignity of that House, as to call it a 'fatal dignity.' When the dignity of the House of Commons should once be destroyed, there would be an end of its consequence in this country, and consequently there would be an end of the constitution; for if the representatives of the people were to be considered as comparatively of less weight than the king and lords in the legislature, it would no longer be looked up to, and would fall into contempt, and of course into disuse.

Sir *Horace Mann* hoped the resolution then before the House, which he trusted would be carried, would rouse ministers from their lethargy, and convince them that they could not stand against the sense of the people. Various arts had been used to terrify members into a support of the present ministers; the sword of dissolution had been suspended over their heads, like the sword of the Sicilian tyrant; but though it had some effect, still he rejoiced that a majority had remained firm and inflexible: and whatever might be his fate for the conduct that he had held in this business, he would always esteem it as the principal honour of his life, to have belonged to a parliament that had overturned two administrations, and

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which the terrors even of dissolution did not move. Gentlemen had said much about the sense of the people, which they stated was to be collected from addresses; for it was merely from the circumstance of addresses that the friends of the present ministers assumed a right to say they were popular in the country: as for addresses, they never had much weight with him; he knew a bell-man had collected signatures, without any meeting or discussion. But, he must unlearn all that he was taught about the constitution of this country, if he was to believe that the sense of the people of England was to be collected any where but in the House of Commons. Addresses and speeches might speak the language of individuals, but the collected voice of the nation, constitutionally speaking, was to be learnt only within the walls of that House.

Mr. *Marsham* said, that an hon. member had desired to be informed, how the House could know that the objections relative to India patronage would be removed in the new Bill. It was in his power to give the House some information on that head; but he stood in a delicate situation; as chairman of the St. Alban's meeting, he had conversed with both gentlemen on the subject of the India Bill; but though the conversations were not strictly confidential, still he did not think himself at liberty to state the substance of them to the House, without leave.

Mr. *Pitt* had not the least objection to the hon. gentleman's giving to the House the substance of what passed between them on the India Bill, but thought it would be better to let the motion before the House pass first.

Mr. *Fox* said, he left the hon. gentleman at full liberty to relate any thing that had passed between them relative to the India Bill.

The question was put on the amendment, and carried.

Mr. *Marsham* then said, that having waited on Mr. Fox, by desire of the meeting of which he was chairman, to learn his intention with respect to the new India Bill, that right hon. gentleman told him, that provided Mr. Pitt would consent that the government of India should be in this country, and be permanent at least for a given number of years, he would leave it entirely to that right hon. gentleman to settle the article of patronage as he pleased. With this information he waited on the minister, who told him that the article of patronage being thus given up, an opening was so far made to a negociation.

Earl *Nugent* recommended conciliation, by which alone an end could be put to the present distractions. Gentlemen were coy of one another at present, and therefore stood upon their punctilios; but if they would at once agree to meet one another, he would lay his life that they would trust each other, and that they would act with confidence. It was not the first time that he had been instrumental in effecting a conciliation between two great men, who had much greater cause to be at variance than the two right hon. members. The two great men were Mr. Pelham and lord Granville. His lordship had appointed to meet at his house, and their meeting was to be kept a profound secret. One repaired to his house quite muffled up, so that it was impossible for any one who saw him to know him. He just introduced them to one another, and left them to themselves. He took care in the mean time to have a good supper ready for them, of which they partook; they drank heartily after it; the wine put an end to the reserve on which they had acted; they spoke freely; confidence was established between them; they became sincere friends, and remained so, and cared not the next day who knew the story of their interview. Thus was this coalition (and, by-the-bye, this shewed he was a friend to coalitions) effected in a single night over a glass of good wine. He was not much acquainted with the two right hon. gentlemen now sitting opposite to each other: but if they would give him leave, he would bring them together at his house; they should have an excellent supper, the best of wines; they might, if they pleased, get gloriously drunk; and he would be bound, that over their bottle they would lose that stiff reserve that wedded them now to their punctilios, and confidence would spring up where diffidence reigned before. The case of the earl of Chatham and the late king was a striking proof, that how much soever men might have differed, they might at last come together, and place as much confidence in each other as if they had never disagreed. The case was this: the king had in a great measure proscribed all those who paid their respects at Leicester-house to the late prince of Wales: lord Chatham happened to have been employed in the service of the prince; this was of itself enough

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to ruin him at St. James's, and render him personally disagreeable to the King. But this was not all; the King was known to have a great partiality to his Hanoverian dominions: on the other hand, lord Chatham was known to have the strongest prejudices against those German territories; and he frequently expressed himself in the House of Commons, in terms that gave great offence to his Majesty; for he often said, that Hanover was a millstone about the neck of England, that would weigh her down, and sink her. However, the King found it necessary to send for him; he went into the closet, and the meeting was very awkward at first; at length, lord Chatham said to his Majesty, with the greatest frankness, "Sire, give me your confidence, and I'll deserve it:" the King replied, without hesitation, "Deserve my confidence, and you shall have it." Lord Chatham set about the great work, which he afterwards so gloriously achieved, by raising this country to the highest pinnacle of glory; and he at last so won upon the King, that he was able to turn his very partialities in favour of Germany to the benefit of this country; and never was man honoured with a greater share of royal confidence than he was. The right hon. gentleman over against him might obtain the confidence of the present sovereign, if, by his great abilities, he should be able to serve his country. To gain the royal confidence was not so difficult a matter in the present reign as in the former; there was no dispute in the royal family, which might split the courts; no partiality to German dominions: he was confident, therefore, that a successful exertion of abilities would secure the right hon. gentleman the unshaken enjoyment of the royal confidence. The attempts to turn out the present minister by force was not the way to conciliate; and to do it without alleging any crime to have been committed by him, was contrary to justice. He remembered very well, that an attempt was once made to remove sir Robert Walpole by an address: the opposition was strong; it was headed by Mr. Pulteney, a man of the greatest eloquence; and so sure was he of carrying his motion, that a list was handed about of an arrangement for a new administration; which I remember very well, said his lordship, because I myself was to come in at the end of it: but mark the consequence; a plain country gentleman rose, who, he believed, had never opened his lips in the House before; it was Mr. Harley;* and with a single, short, and simple speech, he undid all that Mr. Pulteney had been doing, in one of the longest and most flowery speeches that had ever been delivered in parliament. "You persecuted my uncle, lord Oxford," said he; "you persecuted my father, the auditor, through whose hands millions had passed; and a persecution was conjured up against him, because it was found that his servant had once taken six shillings: for these acts, you must naturally suppose me to be your enemy; but I hate you too much to descend to imitate your example; and therefore, as no crime has been proved against you, I will give my negative to the motion for turning you out, because I will never consent that any man should be punished till he has been tried and found guilty." This speech had the most astonishing effect; for, greatly as sir Robert was hated, the country gentlemen to a man voted with Mr. Harley against the motion, and thus blasted the certain prospect of success that Mr. Pulteney and his friends fancied they saw before them. Such was the force of the appeal of a plain man to the justice of the House! If the House of Commons could negative a motion for the removal of a man so generally detested as sir Robert Walpole was, merely because no crime was proved against him, what ought to be the fate of a motion for removing the right hon. gentleman on the floor, whose character was as irreproachable as man could wish; a man who was as generally beloved and respected, as sir Robert Walpole was execrated and despised? If the motion for removing the odious minister was negatived, merely because no crime had been proved against him, surely with more justice and propriety ought a motion to be negatived, which was made for the removal of a minister, against whom a crime not only had not been proved, but against whom a crime had not been so much as alleged.

Commodore *Keith Stewart* opposed the motion, as tending to censure Mr. Pitt, and to punish him without charging him with any crime. Mr. Fox's personal love of power would, he said, prevent him from ever suffering the government of the country to go on, unless he formed a part of it.

* For Mr. Edward Harley's Speech on Mr. Sandys's Motion for the Removal of sir Robert Walpole, Feb. 13, 1741, see Vol. XI. p. 1268.

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General *Burgoyne* said, that he should support the motion, as absolutely necessary to the very existence of the constitution. Conciliation was wished for by gentlemen, and by none more than himself; and he wished the noble lord (Nugent) who had so much of the spirit of conciliation in him as to have conciliated with every administration, would infuse a little of that spirit into those around him. His right hon. friend (Mr. Fox), with whom it was an honour to act, was above the mean, paltry consideration of self, in the great business which involved the welfare of his country, and to whose glory and prosperity it was his sole ambition to contribute.

Sir *Henry Hoghton* lamented the dilemma into which the House had brought itself, by what he considered a rash attack on the prerogative of the crown. He commended the firmness of Mr. Pitt in not resigning. He believed the charges against him, of pride and obstinacy, were true; but it was the pride of high character, and obstinacy of conscious innocence.

Mr. *Powney* said, that the Berkshire Address had not been the first sent to St. James's, but there was one ready, although the hon. gentleman (colonel Hartley) had perhaps been too much fatigued in his journey to town to say a word about what had passed at Reading lately. Mr. Powney professed himself a friend to the constitutional prerogatives of the crown, and said, he would go as far to support them, as to defend the privileges of the people. The sense of the nation, he asserted, was entirely with the present ministers. He mentioned Mr. Fox's having said a little time ago, that there were not more than 160 names to an address from Wolverhampton; to comfort that right hon. gentleman, he would assure him that another address, signed by 3,000 persons, and those of the first character in the town, was coming up from Wolverhampton. He said farther, that above ten times ten thousand names would soon be subscribed to addresses, thanking his Majesty for having dismissed his late ministers.

Colonel *Hartley* said, he certainly had met the hon. gentleman who spoke last at Reading, where he had been sorry to find that the sense of the meeting was different from his political principles. His constituents had, however, indulged him with a patient hearing, and he had fairly explained to them the grounds on which he acted. If what he said had not the effect of bringing those present at the meeting over to his opinion, it had at least proved to them, that he had acted to the best of his judgment; and he had not a doubt but the day would come, when they would find that he had not acted erroneously; in the mean time, he thought himself highly honoured with their indulgent hearing. The colonel stated, that a noble earl had been present at the meeting at Reading, and had thanked God he had contributed to save the constitution; upon which the colonel had said, he thanked God, he too had done his best to save the constitution, though by a very different line of conduct from that pursued by the noble earl. The colonel declared he should give the motion his vote, because he held it to be extremely new and highly improper for a minister to remain in office after that House had declared it could not give him its confidence. He gave Mr. Pitt due credit for his ability and integrity; but reminded him of the opposite conduct of the earl of Chatham, who had ever strove to support the dignity of that assembly, and had thought that the title of minister of the House of Commons was much more glorious than that of minister of the crown.

Sir *M. W. Ridley* said, that he had not attended his duty in that House so soon as he wished and ought to have done, domestic concerns having detained him in the country. When he came to town, he found the resolutions on the Journals; but finding that the question on which they all turned, was, Whether the privileges of that House should be upheld or not? he hesitated not a moment to determine which side he should take. Sir Matthew urged the necessity of the House acting firmly, and exerting every constitutional means to support its dignity. He pointed out the mischievous consequences that must follow their giving way in a struggle of so much importance. He mentioned the power of refusing the supplies as the great weapon of defence which the constitution had armed them with, but agreed that it ought not to be wielded on slight occasions. At present, he denied that the sword was drawn and the scabbard thrown away, but said, the vote of Wednesday was of a different sort. The House might then be said to have clapped its hand to the hilt of the weapon of its defence, but it was not yet drawn, and he hoped ministers would be wise enough not to render it necessary. If they persisted in their unaccountable

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conduct, and the right hon. gentleman, either through pride or obstinacy, still refused to resign, that House would be justified in going farther than it had yet ventured. It would, in that case, be idle to talk of the confusions and distractions that might follow; the consequences, however fatal, would lie at the door of ministers.

Mr. *Drake* said, he was always sorry to differ from gentlemen of respectability. He could not, however, agree with the hon. mover, because he was of opinion, that the sentiments of the House ought always to be fully and accurately expressed, though in general terms; nor could he subscribe to the amendment, which implied the resolutions formerly voted; these he had always thought unfounded, and therefore could not admit of any proposition in opposition to that conviction. He adverted to the situation of the right hon. gentleman. His abilities entitled him to all the honours he had received, or which this country could bestow on a subject, and he was in possession of great and respectable confidence every where, except in that House.

Sir *Charles Cocks* praised the virtues and talents of the minister, and wondered how it could be imagined he should be turned out of office before he had an opportunity of proving to his country either his merits or demerits. Confidence could only be forfeited by an abuse of it, which, however, was in his case impossible. He remarked, that the word 'coalition' had become obsolete in some degree, on account of that odium which rested on the event which it was meant to describe. But 'union' was now the word which every one seemed so fond of. As to the punctilios of honour, so much tossed from one side of the House to the other, he was at a loss to understand what it meant, especially as he had always conceived the general good of the country to constitute the peculiar honour of the representatives of the people.

Sir *Richard Hill* made a keen attack on the opposition, and quoted some precedents in the reign of Charles 2, amongst which he mentioned an anecdote of Rochester.

Mr. *Fox* said, the question was of too much importance for him to give a silent vote upon it, especially after what had fallen in the course of the debate; before, however, he proceeded to touch upon any of the various topics that had been brought forward, he could not but express his satisfaction at the debate's having been carried on as it had been by country gentlemen, by men perfectly independent in principle, and known to have no view to office, nor any motive whatever, but a wish to promote the public welfare. The opinions of such characters must, at all times, have their weight with that House and with the nation; it had therefore afforded him particular pleasure to hear the motion so fairly discussed; and he could not but think, that it would tend more effectually to open the eyes of the public, than any arguments he could advance, or all the oratory of both sides of the House combined produce.

In the progress of the contest that had engaged their attention for some weeks past, the ministers and their friends had studiously endeavoured to load him and those who did him the honour to think with him and to act accordingly, with all the unpopularity and all the odium that art could imagine and malice impute. Thus, from day to day, new colours for their conduct were held out, equally fallacious and foreign from the true motives of their proceedings, but all equally tending to mislead, confound, and delude. The point most laboured at by the other side of the House was, to charge them with having stopped the supplies, and thereby not only very considerably impeded the progress of the public business, but given a fatal blow to the national credit. A charge more serious could scarcely be suggested, but a charge more false had never been hazarded. That the power of withholding the supplies was a weapon with which the constitution had armed that House, and that it was warrantable for that House to wield this weapon whenever a fit occasion required, was a maxim founded in undeniable truth, and one which he would never abandon. That the supplies ought not to be withheld wantonly, rashly, or lightly, was an assertion which he had repeatedly made, and which no man felt a fuller conviction of than himself. The question lay, therefore, wholly in the expediency of the exercise of this right, the undoubted privilege of that House, the representative of the Commons of England. The present struggle was clearly a struggle between the prerogatives of the crown and the privileges of the people. In defence of the latter, the House was bound to exert every nerve of the power with which it was con-

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stitutionally invested. The power of withholding the supplies, as it was the most formidable weapon in its hands, ought undoubtedly to be the last used. Should the ministers persist in their obstinacy, and push matters to an extremity, it would be justifiable to wield that weapon, the right to use which was the only distinction that he knew between a free people and the slaves of an absolute monarchy. He thanked God the contest had not been carried so far as to render such a dreadful resort necessary; and he hoped, prompt as ministers appeared to provoke that House by insult, and determined as they were to treat its resolutions with defiance, the House would keep its temper, would preserve its moderation, and would adopt every means of procrastination, to avoid bringing the contest to its crisis. As yet, they had not stopped the supplies; they had indeed postponed them for eight and forty hours, and that on an occasion that would have justified a harsher measure, and in a case where their postponement could be attended with no possible injury.

An hon. gentleman had said in the course of the debate, that he would grant no supplies during the continuance in office of the present ministers, excepting only from time to time, and when the supplies asked were declared to be immediately necessary. Mr. Fox said, he would not go so far, he would not say that he would refuse supplies on the one hand, nor that he would grant them on the other; but govern his conduct by the circumstances of each particular case. Many gentlemen who had spoken in the course of the debate had said generally, that to withhold the supplies was to injure the national credit. This assertion went not to the extent to which it had been carried, but was founded in error; the mistake arose entirely from the distinction between the supplies and the ways and means not being kept in mind and preserved. The annual expense, if gentlemen would reflect a moment, they would see consisted of two parts, the money appropriated to pay the interest of the public funds and the national debt, and the money voted to defray the charge of particular services. The former consisted not of the sums raised by incidental means, but of the produce of permanent taxes, enforced by perpetual acts of parliament, and specially appropriated. The appropriation of the produce of these taxes was inalienable, and in the case of failure, the sinking fund was pledged as a security. Nothing, therefore, could shake the national credit, but a refusal to pass the Bills of such of the appropriated taxes as were annual; a refusal that, he trusted, no man in his senses would think of. He could not exemplify this more strongly, than by stating that if the receipt tax had either been given up or left in its unproductive state, without a new tax being proposed and adopted to make up the deficiency, and the sinking fund had not proved equal to supplying it, in that case the national creditor would have been injured, but in no other. The other part of the public expense was of a very different nature. It consisted of providing for estimates of expenses to be incurred, and which necessarily were optional in their nature. These, as services to be performed, rested entirely on the discretion of the House, and the confidence they placed in ministers. Thus, the estimate for the Ordnance, and he could not, he said, choose a case more directly in point, was the estimate of an expense to be incurred, and consequently a species of supply upon which that House might exercise its prudence without detriment to the national credit. To postpone it, therefore, could be no possible harm. This, he said, was the distinction between supplies and ways and means. The one respected public credit, the other public safety. The former might be refused without risk to the national credit in many instances; the latter in none. Ways and means were the provisions for expenses actually voted; supplies the expenses themselves. The worst ministers, or the most unconstitutional monarch that ever reigned, must not be refused the one, but it might be highly inexpedient to vote the other, even in the reigns of princes whose own good intentions every body was convinced of, but in whose ministers that House had no confidence.

That it had ever been an established and understood maxim, that ministers ought not to remain in office, who had not the confidence of that House, was to be proved by a reference to the most remote periods of our history. So long ago as the reign of Henry the 4th, when the nature of our constitution was but little known, an application had been made to that monarch from parliament, for the removal of certain of his ministers; when Henry, with the spirit of a British king, had said, "He knew no cause why they should be removed, but only because they

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were hated by the people. Yet he charged them to depart from his house, according to the desire of the Commons."* This answer, which would have done honour to a monarch in more modern times, when the constitutional privileges of that House, as the representative of the commons of England, were so much better understood, clearly evinced how essential it had ever been considered that there should exist a mutual confidence between that House and the ministers who were entrusted with the executive government. With regard to the argument that stopping the supplies would be attended with confusions and distractions, that depended entirely upon his Majesty's ministers: good ministers, who wished well to the peace and quiet of their country, would always prevent them, by resigning before that House had proceeded to such a vote. Upon this ground he was convinced it was, that the present lord Camelford [then Mr. Thomas Pitt] had two years ago acted, when he proposed stopping the supplies; but the ministers of that day knew their duty too well to suffer such a motion; they prevented it by a timely resignation.

Having amply discussed the consideration of withholding the supplies, he observed, that it had been stated in the course of the debate, that the unpopularity of the late ministers arose from three circumstances; from the Receipt-tax, from the India Bill, and from the coalition. With regard to the former, it was a good tax, and it was evident that the right hon. gentleman thought so, by his voting for that Bill, in support of which he had not chosen to say one syllable: why the right hon. gentleman had given a silent vote on that occasion, the House, he doubted not, were sufficiently aware. But, popular or unpopular as the Receipt-tax might be, every body must admit that a tax largely productive was necessary, and no better tax had yet been proposed in its stead. The East India Bill also had been another ground of obloquy. The House would recollect, that he had opened that Bill as a strong measure, and had expressly stated, that the enormity of the abuses could alone justify so violent a remedy. This Bill had been much complained of without doors. Why? Because the people had not understood it. An hon. gentleman (Governor Johnstone) had said in a late debate, "What! cannot the people tell when charters are invaded? Do they not know when their rights are taken away; when their books, their papers, their warehouses, their property, are seized on? Undoubtedly they could, and undoubtedly they did." But this was only to understand the remedy and not to know the complaint. The complaint was known to that House, and that House, by a considerable majority, decided that the extent of the mischief justified the violence of the cure. Thus the patient who was to undergo an amputation, might say to his surgeon, "Don't cut off my leg, the pain and anguish of the operation are excruciating." The surgeon alone could tell whether the amputation was necessary. So the people without doors saw that the remedy the India Bill applied was a harsh one, but they knew not the extent of the abuses that made such a remedy necessary. That remedy, as he had already said, was approved of by a most respectable majority of that House, and lost by a majority of the other. Not by a respectable majority however, because, if ever there were circumstances which rendered a majority less respectable at one time than another, those circumstances had attended the majority of the other House, in procuring their decision against the India Bill. The Bill had been lost by about a majority of eight. How that majority had been obtained was a matter too well known to render his enlarging upon it necessary. That Bill, however, need no longer be the subject of dispute; because although he was not, nor could he be supposed to be willing, to leave the patronage, that had given such alarm, to the unreserved disposal of the right hon. gentleman, as an hon. and respectable member had stated, yet he had brought his mind to that point upon the subject, that there could scarcely be an arrangement of the patronage suggested, either by that right hon. gentleman or any other enemy of the former Bill, to which he did not think he could consent.

With regard to the coalition, much, he observed, had been said against it in every debate, and it had been renewed in the present. He had upon former occasions expressed himself fully upon that subject. He had not, he said, been unaware of the effects, nay, of the obloquy that might attend that measure, when it was first meditated. It had been undertaken upon both sides with caution, it had been deliberated upon with anxiety; nay, he was

* See Vol. I, p. 291.

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not afraid to say, it had been begun with all that diffidence and doubt natural among persons who had long differed upon great public topics; but from the moment it was determined upon, he would venture to say that there never had existed any thing but mutual confidence, mutual faith, the most perfect concord and firm reliance on each other's honour. There had not been in it any of that undermining jealousy, that secret and hidden distrust which he had known to exist, where there were strong reasons to suppose that mutual intercourse and agreement would have been productive of faith and honour. Had the last administration been suffered to remain in power, he was confident it was that strong and vigorous administration which was calculated to have carried into effect those plans that were absolutely necessary to the present situation of this country. He recollected to have seen a beautiful speech of a near relation of the right hon. gentleman over-against him, in which, in order to discredit a coalition formerly made between the duke of Newcastle and a noble relation of his, with that force and brilliancy of imagination which he possessed in so eminent a degree, that coalition had been compared to the junction of the Rhone and the Soane. Whatever the effect and truth and dread of that comparison might have been at that time, and upon that occasion, he was not at all afraid of it then. He would not have admitted that great and illustrious person, were he now living, to have compared the late coalition to the Rhone and the Soane, where they join at Lyons, where the one may be said to be too calm, and tranquil, and gentle, the other to have too much violence and rapidity; but would have advised him to take a view of those rivers a hundred miles lower down, where, after having mingled and united their waters, instead of the contrast they exhibited at their junction, had become a broad, great, and most powerful stream, flowing with the useful velocity, that does not injure, but adorns and benefits the country through which it passes. This was a just type of the late coalition; and he could venture to assert, after mature experience, that whatever the enemies of it might have hoped, it was as impossible to disunite or separate its parts, as it was to separate the waters of those united rivers he had just mentioned.

It had been mentioned that night, that it had been observed repeatedly, with all that applause that was due to so noble and disinterested a conduct, that though his noble friend had declared he would not retire to gratify the impertinent prejudices of any individual, yet he was ready to give way, whenever it should be necessary for the public good, and his retiring should be likewise to promote union, and obtain the desirable object, the formation of a firm, efficient, extended, united administration. When the noble lord had made this declaration, understanding him as he had understood him, his noble friend had acted a part highly to be applauded, because highly dignified and respectable. How different was the conduct of the right hon. gentleman over the way? That right hon. gentleman, so far from following the example of his noble friend, who, upon the first insinuation that he was an obstacle to union, had declared his readiness to retire, resisted the repeated, and hitherto-uncontradicted declarations of that House; who had again and again asserted, that they had no confidence in him, and that it was incumbent on him to resign, before the honour of the House and the constitution could be satisfied. The right hon. gentleman, with a sullen obstinacy peculiar to himself, resisted, and pretended that his honour and his feelings would be wounded, were he to resign, in obedience to that House, and agreeable to the invariable and uniform practice of the constitution, from the glorious period of the Revolution to the present time. How was the honour of that right hon. gentleman concerned? How dared he put his honour in competition with the honour of the House? Did the right hon. gentleman, or did any of his friends pretend to say that his noble friend had disgraced himself by declaring his readiness to retire, in order to make way for union? Was his noble friend's honour forfeited by the sacrifice he had offered? On the contrary, was it not purer, brighter, and more perfect than ever? Would the right hon. gentleman pretend to say that what every body had praised and honoured his noble friend for doing, when hinted by an individual, would injure or contaminate the right hon. gentleman, when done by him in obedience to the constitutional requisition of that House? Understanding the noble lord as he had understood him, understanding him to have meant that he would not quit a scene where he was so powerful, so useful, and so eminent, that he would not leave a party so deservedly

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and so independently attached to him, but that he would, if public tranquillity or impertinent prejudice required it, do all in his power to promote that tranquillity, he had acted a part highly praiseworthy, and one that ought to be followed by all to whom there was any exception. But if his noble friend could be supposed to have meant, by what he said, what he knew he had not meant, viz. that he would relinquish all farther exertion in that House, that he would quit a scene in which he formed so material and important a character, there was no person who would blame such a conduct more than he should; because he knew that such a conduct would take away a great and principal mean by which a strong, vigorous, and effectual government could alone be formed in this country.

He proceeded to take notice of the addresses, upon which so much stress had been laid in the course of the debate. An hon. and learned friend of his had in a late debate declared, that these addresses were procured by impostures, and the expression had been called in question, but in his opinion, with very little reason. His hon. and learned friend had not meant to apply the word impostures to the addressers, but to account for their having been induced to address. When any person thought another acted in the wrong, he knew not a more civil way of telling him so, than by asserting that he had been imposed on and deluded. Thus it was usual, when bad measures were carried on by bad ministers, to declare, that the prince upon the throne had been deluded and deceived; and it had never yet been held, that such language was either indecent or unconstitutional: he could not therefore conceive that his hon. and learned friend's expression had been such as conveyed any rudeness in it to those who had signed any of the addresses lately sent up to his Majesty. That he disregarded the opinions of the people, no man would imagine: it had been the business of his life to court popularity; but there were circumstances in which the people might err, and under such circumstances it became an act of duty to resist them. That he was ready to resist them, and that he thought it right to oppose their madness, he had already shewn by his conduct during the riots in 1780: and whenever they carried their passions and prejudices to an extreme equally dangerous, he would endeavour to stem the torrent, and restore peace and regularity. The voice of the people ought always to meet with attention, though it did not always equally claim obedience; as persons who had a will of their own might be allowed to exercise that will even to a certain degree of injury to themselves, but not to their destruction. In the present case, the people were deceived, they were causing their own ruin, and therefore their madness ought to be opposed. If that House failed in the present struggle, and its dignity was insulted, its importance in the scale of the constitution would be weakened, and the privileges of the people suffer. It was for the people, therefore, that he was contending, and in their cause that he was combating; nor would he believe that the people were really adverse to his conduct; those who understood the ground of the dispute, he was persuaded, were with him. In Westminster, for instance, where he lived, and was most likely to know, he was sure he never had, in any period, the real, warm zeal and hearts of the people more than at present. On a late occasion, it was true, there had been a meeting of his constituents, at which it was impossible to be heard; but then, when it was considered that a noble lord (Mahon), whose voice that House well knew the sound of, and who was himself an host, was present, and prevented it, there would be no wonder at the circumstance. Allusions had been made in the course of the debate to the battle at Westminster, the battle at Hackney, and the battle at Reading. Those inglorious tumults, he was persuaded, did no good whatever; of such petty warfare it might be said,

> Cumque superba foret Babylon spolianda tropæis
> Ausoniis, umbraque erraret Crassus inulta,
> Bella geri placuit nullos habitura triumphos,

for there certainly was no triumph, let either party gain a victory in such contests, while the grand concerns of Europe were neglected.

He said he had again expressed his wish for a union, whenever it could be brought about with safety to the honour of the House, whenever the right hon. gentleman had taken the only step that could reinstate the House in its former situation in the constitution, when, by his resignation and by his quitting his office in obedience to the opinion of that House, he should have relinquished the unconstitutional ground upon which he stood. He wished therefore that there might be no

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asperity, no violence, to rankle in the mind, so as to make a union impracticable. An hon. gentleman (commodore Keith Stewart) had chosen to say, that his personal love of power would prevent him from ever suffering the government of the country to go on, unless he made a part of it. In a discussion where self was so much the object, he said he certainly would not dispute with the hon. gentleman on a point, in which he must have so much the advantage. But he should have imagined that the hon. gentleman, considering those with whom he lived, considering those with whom he was connected, considering the means which the hon. gentleman knew to be the best calculated for obtaining personal power, might have known, that had personal power been his object, he might have possessed it again and again, if he would have stooped to adopt such means as the hon. gentleman must know had been repeatedly in his power to adopt. But if he had any wish for power, it was not that particular species of personal power for which he wished. The whole conduct of his life, the situation in which he stood, connected with a great and numerous body of men, whose principle it was to act upon the broad extended basis of public confidence, and not upon the narrow, pitiful, and destructive ground of private favour, must prove the falsehood of every assertion, that personal power was his object; and that, unless he obtained power upon fair, constitutional, and public grounds, he never would cease to attack the existing administration. It had hitherto been objected against him, that he fought with too large a phalanx, that he came with so great a body, and with such numerous friends, that no door was scarce wide enough to admit them all. He thanked God that they were so numerous that they could not find a way through the passage to power which was now the road to it. He did not, therefore, oppose the present administration for the sake of personal power, he opposed them because they stood upon the ground of secret influence, because they stood upon the ground of the House of Lords against the House of Commons; because, by their countenance in office they subverted every practical principle of the constitution of the country; because, at a time when a firm and efficient government was alone calculated to retrieve the country, they formed a government that was weak, inefficient and feeble. Whoever wished for the liberty of the constitution, whoever wished for energy in government, must equally unite in wishing the removal of the present administration. He who was a Whig, and carried the principles of Whiggism to extremity, must wish it equally with a Tory, who carried to an extreme the principles of Toryism. A Whig, who carried principles of Whiggism to an extreme, might be said, in his enthusiastic, eager, and glorious love of freedom, to forget the true balance of the constitution. He might wish to give more to the popular part of the constitution than was consistent with a vigorous, efficacious, and active executive government. He might be said to be so regardless of the blessings that liberty bestowed, as to worship his favourite goddess with such a fervid, though with what he had ever thought a laudable zeal, as to carry it to a degree of excess prejudicial to firmness and vigour. Let the extreme Whig, however, forget vigour ever so much, let him court liberty with the most anxious eagerness, he never could hope to obtain, nor to protect the darling object of all his actions, without supporting the weight that House had held in the constitution, without a single exception since the Revolution. Consistently with his principles, the extreme Whig must wish the destruction of an administration formed in direct contradiction to every principle of constitutional liberty. On the other hand, a Tory, who carried his principles to an extreme—and he did not mean that misled and deluded description of men, who had wished in the last century to support the misguided race of Stuart in all their wild pretensions to divine, hereditary, indefeasible right, and had maintained their doctrines with arguments drawn from the unconstitutional tyranny of the House of Tudor, but those who reasoned rationally, though rather perhaps to a degree of excess upon their way of viewing the constitution—a Tory, in the extreme principles of Toryism, might be said to overlook the liberty of the subject in his desire of a vigorous, efficacious, and energetic government. But however strong the bias of a Tory might be to the extreme principle of his party, he must agree with him in this, that there could be no energy, no vigour, no activity, no responsibility, none of those strong and powerful exertions which he wished to promote, while the present administration remained.

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Such a Tory must see, that with the continuance, weakness, inefficiency, want of real, solid, and useful exertion, must distinguish the executive power. The Whig, therefore, as well as the Tory, and the Tory equally with the Whig, however opposite their principles, although the one overlooked vigour in his search for liberty, and although the other might be said to overlook liberty in his search for a vigorous government, both must equally agree, that to attain their respectively favourite and darling objects, the removal of the present administration was essential; because, while they continued, there was neither freedom of constitution nor energy of government.

The true, solid, and uncontrovertible basis, upon which a firm and efficacious government was to be built, was the confidence of that House. Every act of ministers, as he had said again and again, was founded in confidence. Not in the mere abstract meaning of the word, but in the solid, actual, and constant exercise of substantial confidence. Was there no act necessary in the present situation of the country, either for the support of the public credit, the regulation of India, the conduct of foreign alliances, or any other great and necessary work calculated to support or retrieve the glory of the country? And he was sure, if there were vigorous and well-directed exertions to those great and necessary objects, there was yet enough of strength left to render the country great and important amidst the nations that surround us; but there was no one act of this sort to which confidence was not essential. The more that confidence could be extended, the more vigorous and effectual would the measures of ministers be. For that reason he wished to extend that confidence to the greatest degree possible consistent with the true, just, and infallible principles of the constitution; because he knew, the more it was done, the more it would be possible to act in the only manner capable of rendering this country powerful, eminent, and respectable; because by such means he should be the more and more enabled to risk popularity at every step, by laying burthensome but necessary taxes, and to act with that firmness, that intrepidity, that bold integrity, which was the only solid ground upon which a minister could act so as to produce real and effectual advantage to the country. Great however as this object was, he had rather run the risk of all those difficulties, and depend upon the same confidence that he had hitherto experienced, than consent to any extension of it which sacrificed the very first and vital principles of the constitution.

He desired the right hon. gentleman over-against him, or any of his friends, to point out a single instance, not only since the accession of the house of Brunswick, but since the Revolution, where the minister of the crown had dared to retain his situation one moment after he had lost the confidence of that House. He knew there was not one, and therefore, instead of that glorious and favoured period of history which they revered and admired for the liberty and the glory they had experienced under it, which they revered for those illustrious princes of the Brunswick line, under whom they had enjoyed so many blessings, and which they wished to hand down to the children and grand children, and great grand children of their present gracious monarch, and which, if the present system prevailed, were lost and gone to him, and to them for ever; instead of that glorious period, the adherents of the right hon. gentleman must have recourse to the unfortunate and accursed period of that misguided race, whose lives were distinguished by a uniform attempt to subvert their liberties and overturn the constitution. Those were the only periods to which such as supported the cause of the secret advisers of his Majesty against the representatives of the people could have recourse.

An hon. baronet who spoke some time ago (sir Richard Hill) and who frequently quoted the Bible, had, upon the present occasion, chosen to entertain the House with a quotation from a work of a different description, from a satire of the gay and witty earl of Rochester. He begged leave to advise the hon. baronet, not for the sake of a temporary laugh, to raise in the ideas of all who heard him, the melancholy comparison of the present moment with that sad and disgraceful æra, which, though adorned with some lively, witty, and even classical writers, was marked by every thing unfavourable to liberty, and subversive of the constitution. It had been at that æra, that the prince on the throne, by the counsel of secret advisers, opposed and undervalued the sense of the House of Commons; and when the House endeavoured, by every exertion of spirit, to repeat those attempts,

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by humble and dutiful addresses to the throne, the King, tired and disgusted with parliaments, in 1681 dissolved his parliament, and never called another during the remainder of his reign. The spirit that arose in the country, they all knew, ended in producing subsequent parliaments, not subservient to the prince, and in the end brought about the glorious Revolution, and drove from the throne of England that unfortunate and misguided race, to whose history, and to whose history alone, the right hon. gentleman and his friends were obliged to appeal for precedents to defend his conduct, and justify the situation into which he had thrown his country. When they attempted to quote the history of succeeding periods, they were under the necessity of misstating every particular, in order to make them answer their purpose. This had been done in a most extraordinary manner by a learned gentleman (the Solicitor General) in a former debate. The learned gentleman had on that occasion stated, that the House, in 1701, had addressed king William, to remove the lords Somers, Orford, Halifax, and the earl of Portland from his presence and councils for ever; that this address was not complied with, and that the House received no answer to it. Nevertheless, said the learned gentleman, the House went on to grant the supplies exactly as if they had reposed the most implicit confidence in those ministers. From thence the learned gentleman had inferred, that there was no ground for refusing the supplies at present, because there was a want of confidence in ministers. He must beg leave to remind that learned gentleman, that he had either forgot the history to which he alluded, or done what was worse, wilfully misrepresented it. The fact was, at the time the address alluded to had been voted, and sent to the throne, the noblemen in question were no longer ministers. They had been removed in 1700, and the address was an address requesting his majesty to strike them out of the list of privy councillors. The money voted in 1701, and the supplies that were granted, were not voted in confidence to the noble lords alluded to, because they were not ministers at the time. The only allusion, therefore, that had been made by gentlemen on the other side of the House to a former period, had been completely and absolutely misquoted. Indeed, those gentlemen would find but little to their purpose in those more happy and fortunate periods, when the liberty of this country had been protected, cherished, and maintained, in all that purity and vigour that had made us the wonder of the world. In these periods, the princes on the throne had respected that House, and their first and greatest glory had been to attend to its wishes, and listen to its advice. God forbid, that those secret advisers of his Majesty should induce our present gracious sovereign to be the first of his name, and of his race, to neglect the counsels, and turn aside from the advice of his faithful Commons; advice which had hitherto been well taken, and strictly followed by every prince of the House of Brunswick, and the neglect of which would bring us back to those dark, inglorious, and arbitrary periods of our history that he had so often mentioned!

The ground, the unconstitutional ground on which the present administration stood, was so totally new, and so absolutely the contrivance of the present minister, and of those advisers, of whom he hoped, for the sake of that right hon. gentleman's reputation, he was the tool and the dupe, that it was not possible for him to forget what he had said upon that subject within a very short period. He remembered, at the time when he differed from the noble lord near him (North) upon public principles, when the American war was the subject of debate, when he thought the continuance of that war ruinous to the country, to have asked the noble lord, why he did not quit a situation which he could no longer hold consistently with the good of the country? The noble lord replied to him, that it was not his mere assertion that would induce him to quit his situation; but that as soon as he should find that he no longer possessed the confidence of that House, he would quit it. Mr. Fox declared, that his reply to the noble lord at that time was, "many thanks to him, for doing what he could not avoid;" and he confessed at the time, he thought the retort a good one: he did not at that time know, that the noble lord was setting an example of constitutional conduct, which was very soon to be disregarded by his successor. He did not then know, that instead of making, what he then thought, a good and solid answer to the noble lord, he was guilty of a gross impertinence, for giving the noble lord no merit nor praise, when he had so much, by resisting every attempt that could be made to make him

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act contrary to the principles of the constitution. He could now see, indeed, why the objections to the noble lord, from certain quarters, were so strong and vindictive. The noble lord would not lend his name to those unconstitutional attempts of resisting the opinion of that House, which had been so strangely left to be the work of the right hon. gentleman over-against him. Had the noble lord chosen to adopt his measures, had he set at defiance the first grand principle of our constitutional freedom, he would have been applauded, where he was now reviled; he would have been courted, where he was now persecuted. Finding, therefore, that his best thanks were due to the noble lord, when he declared that he would resign when he lost the confidence of that House for a determination to act as he did, indeed in conformity to the constitution, instead of the uncivil retort he then made, he did now most heartily beg pardon of his noble friend for his short-sighted and impertinent speech.

Mr. Fox said, he was sure, if either a dissolution of parliament was to take place, or if a reform in the representation was to be effected, he could have no objection whatever to appeal either to a new parliament, or to a reformed representation for he defied any person to state any disadvantage that would arise to the present majority in that House by either of those events. He did not mean to say that there would not take place, as at present, those small changes in numbers, which all who attended to that House knew must take place from accidental circumstances, but which did not, upon the whole, essentially change the description of individuals, of which either side was composed. If there was an alteration in the representation, by adding to the county members, he was not afraid of any diminution of numbers from that event. When he looked round him, when he recollected those of that description who composed the present majority, he found a very great proportion of the representatives of counties, and another description of persons equally respectable and equally independent, though not representing counties; he meant independent country gentlemen, who represented boroughs. If they were to be increased, if parliament were to be dissolved, did the gentlemen on the other side of the House think they would be benefited by such an alteration? No; the reverse was the truth. He had examined every description of persons respectable for their representation, respectable for their independence of spirit, respectable for their love of the constitution, respectable for talents, zeal, and exertion, in that glorious cause; he had found it extremely difficult to discover an instance of any class or denomination where any change, such as he had alluded to, could possibly give a majority to the present administration. At last he had been able to lay his hand upon one set of men, who, if they were increased, would produce a change indeed in the state of the majority in that House He meant those persons who procured their seats in that House by the favour of the Treasury. He believed this was rather unparliamentary language; but he meant those persons who had obtained their situation there by means of the noble lord near him, those who had under the administration, and by the favour of his noble friend, accumulated splendid fortunes. These were the persons, who, if increased, might perhaps produce the effect that the right hon. gentleman wished. It was upon those men that he depended for support: while the increase of spirit, of independence, of respectability, would be of no avail; the increase of ingratitude, of desertion, of every thing that could blacken and disgrace the character, would serve his purpose.

He took notice of what sir William Wake had said relative to the American war having been gone into, from a false notion of preserving the dignity of that House. That was, he said, a mistake; the American war had not been more the war of that House than of the other branches of the legislature; but that House had been the first to see its errors, and to put an end to the war. He alluded to sir William Dolben's having asked a few nights since, if the prerogatives of the crown were to be served up as a collation, like Sancho's banquet, to feast the eye alone, and not the appetite: he said, he by no means meant to deny that the prerogatives of the crown ought to be substantial; all that he contended for was, that the House of Commons, who granted the public money in large sums to ministers upon confidence, had a right, at least, to have a negative voice in the appointment of those ministers. He argued much at large upon the eventual effect, either of the continuance of the present administration, or of the return of the last into power; and shewed, that neither of the two would be able to carry on so vigorous a government

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as the situation of the country required: he therefore strongly recommended a union, for the purpose of forming a firm, efficient, extended, united administration, which should equally share the confidence of the crown, and the confidence of parliament. He particularly insisted on the necessity that the confidence of the sovereign should be fairly participated; and after an ample discussion of the subject of the addresses presented in Charles 2's reign, and a comparison between them and the addresses lately presented, and an infinite variety of arguments on general grounds, he returned to a consideration of the question, which he said was absolutely necessary, as a kind of *salvo jure* to gentlemen, before they could consent to vote the supplies in the present situation of affairs. After the question should be carried, and he trusted it would be carried by a considerable majority, he declared, he should have no objection immediately to receive the report of the ordnance estimate, and vote that supply: but he begged to be perfectly understood, as not by any means giving up the constitutional right of that House to stop the supplies; but as it was a question of infinite moment and alarm, he wished the House to adopt every means of procrastination and of delay, to avoid coming to its decision.

Mr. *Pitt* rose and said:—The right hon. gentleman, Sir, has gone through so vast an expance of matter, he has embarked the House in so wide an ocean of politics, that it is impossible for me to follow him through the whole course of his speech. I beg leave, however, while both the House and myself are fresh in the recollection of it, to press upon them again what the right hon. gentleman himself, at the close of his speech, has this day at last been driven to confess, though I had long laboured, and, as I began to fear, had laboured in vain, to convince him of it; namely, that if the right hon. gentleman and the noble lord in the blue ribbon should regain their situation, should expel all his Majesty's present ministers, and resume their old measures, their restoration would not ensure the restoration of peace, of happiness, and of content to this distracted country. The right hon. gentleman now confesses it; and yet, Sir, he ought also to confess, and to know and feel, that his present measures do most directly tend to the re-establishment of that coalition, to the certain exclusion of his Majesty's present ministers, and to that very calamity which he himself now begins to dread, and with the dread of which I had so strenuously endeavoured to inspire the House. Procrastination is now become his plan. I wish not to be understood as calling out for violent measures; but this I will say, that merely to temporise is no man's duty at the present moment. If, therefore, every violence is intended against this administration, let us not keep the country in suspense, but let us advance like men to the issue of this contest: the present question is weak and feeble, compared with those which have gone before it; and I dare say, therefore, every gentleman must expect that it will be without effect.

The right hon. gentleman, Sir, has appeared to-night in a character perfectly new to him, but which he has supported (as, indeed, he supports every one of his characters) with wonderful dexterity; he is to-night the champion of the majority of this House against the voice of the people. 'Imposture' was the word used by his learned friend; the right hon. gentleman improves upon the idea, and tells you that 'imposture' was a word used merely by way of civility; it is by way of complimenting the people of England, that the right hon. gentleman says their opinions are founded in imposture; and then, by way of libelling these addresses, and of libelling this reign, he recals to your mind the addresses offered in the infamous reign of king Charles 2, affecting to furnish the House with a case somewhat in point, and warning them not to trust at all to the most unanimous addresses of the people of England, by summarily mentioning those which were offered to that monarch, requesting the crown to take into its hands and protection the several charters of this country. Sir, I beg these allusions may not pass off unexplained: the case was this: after many cruel and scandalous decisions in the courts against chartered companies, in a fit of desperation, the several corporations offered their charters to the crown, as the only protection against this tyranny; and shall I hear this cited by way of libelling addresses of the people at this time? I believe, in truth, Sir, the right hon. gentleman is surprised and exasperated at the manly spirit of the people in these times, who will not wait till their charters are prostituted to the purposes of ministers, and then seek relief by yielding them to the crown; but who boldly resist the violation in the first instance, and who

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are as hardy in their resistance, as the right hon. gentleman has been in his attack.

But, says the right hon. gentleman, how should the people understand the India Bill? Do they know all the abuses in India? True, Sir, the people may not have read all your voluminous reports; neither, perhaps, have one half of the members of this House read them: but, Sir, they know that no abuses in India, that the very loss of India, that the annihilation of India, could not compensate for the ruin of this constitution. The plain sense of this country could see that objection to the India Bill, which I could never persuade the right hon. gentleman to advert to; they could see that it raised up a new power in this constitution, that it stripped at once the crown of its prerogative and the people of their chartered rights, and that it created that right hon. gentleman to be the dictator of his king and his country.

But, Sir, the right hon. gentleman ventures still to deny that the addresses have sufficiently marked what is the opinion of the people; and then he talks of battles at Reading, of battles at Hackney, and battles at Westminster. At Reading, Sir, I understand there was no battle; the county addressed unanimously against the opinion, and in the face of its members, although the hon. member (major Hartley) assures you how he exerted his oratory to deprecate the Address. As for Hackney, I behold over-against me a most valiant chieftain (Mr. Byng) who is just returned from that field of Mars; whose brow, indeed, is not, as before, adorned with the smile of victory, but from whose mouth I doubt not we shall hear a faithful, although, alas! Sir, a most lamentable history of that unfortunate flight and defeat. Whether, at Westminster, it is sufficient proof of victory to say, 'The people would not even hear me:' whether that right hon. gentleman, who once could charm the multitude into dumb admiration of his eloquence, and into silent gratitude for his exertions in the cause of freedom, and of his country; whether he, the champion of the people, once emphatically named the 'Man of the People,' is now content with the execrations of those multitudes, who once, perhaps, too much adored him; whether, in short, Sir, the sonorous voice of my noble friend was a host itself, or whether it might not have become a host by being joined to the voices of the host around him; all these are points I will not decide: but sure I am, that the right hon. gentleman will not persuade me that the voice of the people is with him, if Westminster is his only example. There is one thing the right hon. gentleman proves merely by strong affirmations; to which, therefore, I can only oppose affirmations as strong on my part: he says, his late majorities have been composed of men the most independent in their principles, respectable in their situations, and honourable for their connexions; I can only affirm as roundly in answer, that the minority is by no means inferior to them, in point either of principles, of respectability, or of independence. Having thus disposed of the people, and of the minority in the House of Commons, large as it certainly is, the right hon. gentleman proceeds next to dispose of the majority in the House of Lords, and he denies that they were respectable. Sir, if the right hon. gentleman will trouble himself with this kind of calculation, I am not afraid to match the majority there against the minority, either on the score of independence, of property, of long hereditary honours, of knowledge of the law and the constitution, or on the score of any thing that can give respect and dignity to peerage. And, Mr. Speaker, when I look near me [looking at Mr. Pratt], when I see near whom I am now standing, I am not afraid to place in the front of that battle (for at that battle the noble peer, whom I allude to, was not afraid to buckle on his old armour, and march forth, as if inspired with his youthful vigour, to the charge), I say, Sir, I am not afraid to place foremost, at the head, and in the very front of that battle, that noble and illustrious peer (lord Camden), venerable as he is for his years, venerable for his abilities, adored and venerated through this country on account of his attachment to this glorious constitution, high in rank and honour, and possessing, as he does, in these tumultuous times, an equanimity and dignity of mind, that render him infinitely superior to that wretched party spirit, with which the world may fancy us to be infected.

But, Sir, I am carried away too far; my warm admiration of the subject has hurried me into expressions, perhaps, not perfectly becoming the strictness of this debate. The point which I should particularly speak to, and the great subject

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of contention between us, is, whether I shall resign, in order afterwards to return into office; and the example of the noble lord in the blue ribbon is held out for my imitation; for he, it is said, is willing to sacrifice his personal pretensions for the sake of unanimity. Good God! Mr. Speaker, can any thing that I have said, subject me to be branded with the imputation of preferring my personal situation to the public happiness? Sir, I have declared again and again, only prove to me that there is any reasonable hope, shew me but the most distant prospect, that my resignation will at all contribute to restore peace and happiness to the country, and I will instantly resign. But, Sir, I declare at the same time, I will not be induced to resign as a preliminary to negociation: I will not abandon this situation, in order to throw myself upon the mercy of that right hon. gentleman. He calls me now a mere nominal minister, the mere puppet of secret influence. Sir, it is because I will not become a mere nominal minister of his creation—it is because I disdain to become the puppet of that right hon. gentleman, that I will not resign: neither shall his contemptuous expressions provoke me to resignation: my own honour and reputation I never will resign. That I am now standing on the rotten ground of secret influence, I will not allow; nor yet will I quit this ground, in order to put myself, as the right hon. gentleman calls it, under his protection, in order to accept of my nomination at his hands, and in order to become a poor self-condemned, helpless, unprofitable minister in his train—a minister, perhaps some way serviceable to that right hon. gentleman, but totally unserviceable to my King and to my country. If I have, indeed, submitted to become the puppet and minion of the crown, why should that right hon. gentleman condescend to receive me into his band? It seems, however, that I have too much of the personal confidence of my sovereign, and that I must resign, in order to return into administration, having only an equal share of it with others. But the right hon. gentleman knows that my appointment would, in that case, be only as a "piece of parchment." Admit that I have more than my share of the King's confidence, yet how is my being out of office two days to make any diminution of that confidence? The right hon. gentleman, therefore, every moment contradicts his own principles, and he knows that if I were first to resign, in the forlorn hope of returning as an efficient minister into administration, I should become the mere sport and ridicule of my opponents; nay, and forfeit also the good opinion of those, by whose independent support I am now honoured; for when I shall have sacrificed my reputation for that support which I am told shall arise to me from that right hon. gentleman's protection, when I shall have bartered my honour for his great connexions, what shall I become but the slave of his connexions? the sport and tool of a party? for a while, perhaps, the minister appointed by that party, but no longer useful to my country, or myself independent.

The right hon. gentleman tells you, Sir, that he means not to stop the supplies again to night, but that he shall only postpone them occasionally. He has stopped them once, because the King did not listen to the voice of his Commons; he now ceases to stop them, though the same cause does not cease to exist. Now, Sir, what is all this, but a mere useless bravado? a bravado calculated to alarm the country, but totally ineffectual for the object for which it was intended. I grant, indeed, with him, that if all the money destined to pay the public creditors is voted, one great part of the mischief is avoided. But, Sir, let not this House think it a small thing to stop the money for all public services; let us not think that, while such prodigious sums of money flow into the public coffers, without being suffered to flow out again, the circulation of wealth in the country will not be stopped, nor the public credit affected. It has been said indeed, "how is it possible that parliament should trust public money in the hands of those, in whom they have expressly declared they cannot confide?" Is there any thing then in my character so flagitious? am I, the chief minister of the Treasury, so suspected of alienating the public money to my own, or to any sinister purposes, that I am not to be trusted with the ordinary issues? [a cry of, No, no!] Why, then, Sir, if they renounce the imputation, let them renounce the argument. By what I am now going to say, perhaps I may subject myself to the invidious imputation of being the minister and friend of prerogative; but, Sir, notwithstanding those terms of obloquy with which I am assailed, I will not shrink from avowing myself the friend of

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the King's just prerogative. Prerogative, Sir, has been justly called a part of the rights of the people, and sure I am it is a part of their rights, which the people were never more disposed to defend, of which they never were more jealous than at this hour. Grant only this, that this House has a negative in the appointment of ministers, and you transplant the executive power into this House. Sir, I shall call upon gentlemen to speak out: let them not come to resolution after resolution, without stating the grounds on which they act; for there is nothing more dangerous among mixed powers, than that one branch of the legislature should attack another by means of hints and auxiliary arguments, urged only in debate, without daring to avow the direct grounds on which they go; and without stating in plain terms on the face of their resolutions, what are their motives, and what are their principles which lead them to come to such resolutions. Above all, Sir, let this House beware of suffering any individual to involve his own cause, and to interweave his own interests in the resolutions of the House of Commons. The dignity of the House is for ever appealed to: let us beware that it is not the dignity of any set of men; let us beware that personal prejudices have no share in deciding these great constitutional questions. The right hon. gentleman is possessed of those enchanting arts whereby he can give grace to deformity; he holds before your eyes a beautiful and delusive image; he pushes it forward to your observation; but as sure as you embrace it, the pleasing vision will vanish, and this fair phantom of liberty will be succeeded by anarchy, confusion, and ruin to the constitution. For in truth, Sir, if the constitutional independence of the crown is thus reduced to the very verge of annihilation, where is the boasted equipoise of the constitution? Where is that balance among the three branches of the legislature which our ancestors have measured out to each with so much precision? Where is the independence—nay, where is even the safety of any one prerogative of the crown, or even of the crown itself, if its prerogative of naming ministers is to be usurped by this House, or if, (which is precisely the same thing) its nomination of them, is to be negatived by us without stating any one ground of distrust in the men, and without suffering ourselves to have any experience of their measures? Dreadful, therefore, as the conflict is, my conscience, my duty, my fixed regard for the constitution of our ancestors, maintain me still in this arduous situation. It is not any proud contempt, or defiance of the constitutional resolutions of this House; it is no personal point of honour; much less is it any lust of power that makes me still cling to office; the situation of the times requires of me, and I will add, the country calls aloud to me, that I should defend this castle; and I am determined, therefore, I will yet defend it.

Mr. *Sheridan* warmly supported the motion.

Sir *Cecil Wray* said, he was extremely surprised at what had lately fallen from his colleague (Mr. Fox) who had said so much relative to the great applause he had received from his constituents. Did the right hon. gentleman mean to plume himself on having been hissed and hooted by his constituents? For hisses and similar marks of disapprobation must have been considered by him as marks of applause. Sir Cecil then said, he was just come from a respectable meeting of his constituents, where he had been informed that the address against the late administration was signed by more than 5,000 electors of Westminster.

Lord *Mahon* said, that he should indeed have been as much surprised as the worthy baronet, at what had fallen from Mr. Fox relative to the meeting in Westminster-hall on Saturday last, if any thing that could be asserted by that right hon. gentleman, could ever create in his mind any sensation of surprise. He did not think it decent to contradict the right hon. gentleman, because he could not give him as direct and flat a contradiction as he deserved to receive on that subject, without his doing it in terms which would not be decent to use in that assembly; neither did he think it decent to make any comparison between the credit due to Mr. Fox and the credit which all men, of all sides, allowed to be due to the worthy baronet who had just sat down, and who was, in his opinion, as well as in the opinion of the public, one of the most upright men that had ever sat in that House. He would not bring such a witness to contradict the bold assertions of the right honourable gentleman; but he would use the very words of the right honourable gentleman in order to make those words contradict what he had just said himself. It was not the first time that he had, in that House, made the right hon.

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gentleman contradict himself out of his own mouth; neither would it probably be the last. The right hon. gentleman had, on that day, made the roundest and most unqualified declaration which he had ever heard made in that House; the most wonderful and extraordinary of all the wonderful and extraordinary declarations which had ever been made even by the right hon. gentleman himself. The words of the right hon. gentleman, as he had taken them down, were these: "I am sure that, as to Westminster, I never had, at any period, more the real warm zeal, and hearts of the people, than I have in the present moment." The right hon. gentleman, when he thought proper to make this unaccountable declaration, had undoubtedly forgot, that in the same speech he had said but a few minutes before, that "he got great unpopularity by the warm and decided support which he had given to the tax upon receipts; and that he had also been rendered unpopular by the ideas which the public had taken up relative to his East India Bill, which it was impossible for the people to understand." The right hon. gentleman had undoubtedly forgot, that he had, in the same speech, owned and asserted, that "his coalition with the noble lord in the blue ribbon had produced to him great unpopularity, great odium, and great obloquy." Does popularity then consist in 'unpopularity?' Does the right hon. gentleman possess more than ever he formerly possessed, 'the real warm zeal and hearts of the people;' because his scandalous and unprincipled conduct has raised up against him 'great odium and great obloquy?' Does he mean to take groans for applause, and hisses for approbation? There was a time when the right hon. gentleman did, in a very great degree, possess the confidence of the people. There was a time, when what fell from him in popular assemblies, fell with that weight, and was attended to with that silence and respect, as if an oracle had been speaking. Why? Because the public at that time fondly believed him to be their friend; because they credulously thought he was fighting their battles, and acting as a bustling, but sincere and honest tribune of the people. But now mens eyes are opened; he is no longer seen in the light of a tribune of the people, because he has lately attempted to raise himself above the free constitution of his country, by aspiring to the situation of an absolute dictator. Did the right hon. gentleman, in Westminster-hall last Saturday, receive the same kind of applause as he had received in the same place three years before? The right hon. gentleman may, if he likes it, consider the reception he met with last Saturday from his constituents, as marks of their love, respect, and approbation; but what were those marks of approbation? The general execration of the people whom he had deceived. 'The real and warm zeal of the people' was, it is true, expressed on that day; but in what words? In the short but expressive words of 'No Coalition! No Receipt Tax! No India Bill!' and in words still more honourable, and still more personally flattering to the right hon. gentleman, of 'No Grand Mogul! No India Tyrant! No Usurper! No Turncoat! No Traitor! No Dictator! No Cataline?' If such be the popularity which is coveted by the right hon. gentleman, and such the marks of approbation of which he boasts, long may he enjoy that popularity. The right hon. gentleman who affects to be so extremely well satisfied with the splendid degree of popularity which he now enjoys, mentioned that popularity at the end, not at the beginning of his speech. He did right not to mention it at the beginning of his speech, for it could not be what was uppermost in his mind. At the beginning of his speech, he talked of his own unpopularity, he repeated what a learned friend of his had said in a former debate, that the present addresses and opinions of the people were founded on imposture. In the beginning of his speech he had the arrogance and insolence to declare, that he thought it his duty to oppose the madness of the people, when he differs from them in opinion. This is the constitutional and decent language of the Man of the People, held in the presence of their representatives in that House! But let the right hon. gentleman have the goodness to tell the House why he is so eager in the present moment to oppose what he is modestly pleased to call 'the madness of the people,' if he himself never possessed to a greater degree than he does at present 'the real warm zeal and hearts of the people.' The colleague of the right hon. gentleman has just informed the House of the prodigious number of signatures of the real electors of Westminster, which are already contained in the address of thanks to his Majesty for having dismissed his late obnoxious and unpopular ministers.

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Let the right hon. gentleman after this tell the House, if he dares, that he is sure that his personal popularity stands as high as ever; let him dare to tell the House, that at the late Westminster meeting, he carried every thing before him by a majority of at least six to one; when he himself has this day positively declared, that those even who were very near him in the Hall, could not distinguish one word that was said by him or by any of his friends. What he moved or what they moved was consequently not heard by the many thousand electors present, who had therefore no opportunity of assenting to or dissenting from what was proposed by the right hon. gentleman. He therefore draws the following close and logical conclusion: because the motions were not heard, because the purport of them could not be understood, therefore the right hon. gentleman ventures to assert, that those motions were approved of and carried by a majority of at least six to one. Such an assertion deserves not refutation, but contempt. The right hon. gentleman boasts of this victory. Let him do so; and as long as he abandons his public principles, as long as he breaks his promises to the people of England, and continues his violent attacks on the constitution, and his desperate attempts against the public credit of this country, and endeavours by the most unwarrantable means to throw the whole country into complete confusion, may he never obtain any other species of victory than that which he has so recently obtained in Westminster!

The House then divided on the question, "That this House, impressed with the most dutiful sense of his Majesty's paternal regard for the welfare of his people, relies on his Majesty's royal wisdom, that he will take such measures as, by removing any obstacle to the formation of such an administration as this House has declared to be requisite in the present critical and arduous situation of public affairs, may tend to give effect to the wishes of his faithful Commons, which have already been most humbly represented to his Majesty."

Tellers.

Yeas	Lord Maitland - - - - Mr. Byng - - - - -	197
Noes	Mr. Secretary at War - - Mr. Robert Smith - - -	177

So it was resolved in the affirmative.

While the majority were in the lobby, Mr. Fox said, it was the idea of gentlemen who stood near him, that in consequence of the high language which had been held in the debate, an address should be proposed on the motion. The members joined in an unanimous declaration of Hear, hear! He then said, that if it met with their approbation, he would move it after the determination of this question, and that it should be carried up to the throne by the whole House. They joined in the same general shout on this proposition also.

When the numbers were declared, Mr. Fox and Mr. Pitt rose together, and their friends, in pressing for their respective leader, were loud. A good deal of clamour ensued. At length Mr. Pitt said, that it amounted exactly to the same thing, whether the sense of the House was taken on his motion for the Speaker to leave the chair, or on the motion for the address, which he understood the right hon. gentleman was about to propose. He therefore yielded the point.

Mr. *Fox* then said, that as the right hon. gentleman and his friends had met the resolution of that day with a high language, and had treated the House so cavalierly, it was the idea of the gentlemen with whom he had the honour to act, that a motion should be made, without farther delay, for an address to the throne on the resolution of that day, and that it should be presented by the whole House. He entered shortly into the situation into which the obstinacy of Mr. Pitt had brought the House, and concluded with moving, "That an humble Address be presented to his Majesty, most humbly to represent to his Majesty, that this House, impressed with the most dutiful sense of his Majesty's paternal regard for the welfare of his people, relies on his Majesty's royal wisdom, that he will take such measures as, by removing any obstacle to the formation of such an administration as this House has declared to be requisite in the present critical and arduous situation of public affairs, may tend to give effect to the wishes of his faithful Commons, which have already been most humbly represented to his Majesty."

Mr. *Marsham* seconded the motion.

Mr. *Powys* was truly sorry that Mr. Pitt had forced the House to the harsh measure now proposed. He had had sufficient time; they had shewn every indulgence; but he was sorry to say that the

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disposition to union did not appear to be reciprocal. He conceived the present step to be absolutely necessary: they were no longer a branch of the legislature, if they submitted to the arrogant contempt of their authority which had been shewn by ministers.

Mr. *Wilberforce* desired his hon. friend to reconcile his present opinion with that which he had formerly given, that it would be unbecoming in Mr. Pitt to go out with a halter about his neck, and negociate for place again.

Mr. *Powys* declared that his language had never been ambiguous. He left ambiguity for men who had sinister purposes. His heart was in his words. He had never said that Mr. Pitt could disgrace himself by paying respect to the solemn sense of that House: he was no enemy, but a friend of Mr. Pitt: he wished to see him make a part of the new ministry: it was the design of no men to exclude him; but at the same time it was his opinion that the loss would be smaller to his country if he were to retire at this time altogether, than to continue in setting up ideal punctilios to the sacrifice of the dignity and extinction of the utility of that House. Mr. Pitt could not be disgraced by negociating with Mr. Fox; he could only be disgraced by a surly and supercilious contempt of the opinion of that House.

Mr. *Dundas* urged the impropriety of moving so harsh a proposition after two o'clock in the morning. Time ought to be given; it was a most solemn discussion; for in his conscience he believed that it put an end to every prospect of union. Gentlemen talked of the moderation of their conduct, of their wishes for union, of their temper, forbearance, and candour, while at the same time they pushed so harsh a question as this at such an hour; he had objected to their previous measures, because he considered them as hostile to the end which they professed to have in view; and this he considered as the completion of the resolutions which they had already passed. He said he had laboured most strenuously for a union; he had exerted every nerve and all his influence to bring it about. He wished to heaven that the resolutions had been of another complexion, and more moderate than they were. He said that gentlemen ought at least to postpone the question: they ought not to put union out of our reach; and he thought that this address would do it effectually.

Mr. *Lee* declared, that the House of Commons was extinct, that it was dead and buried, if they did not maintain their authority. It was their office and duty to declare their opinion of ministers; but of what avail was their opinion, if they could not give authority to their resolutions? The question was for their existence. He alluded to the conduct of ministers, and the clamour which they had set up in the country against the India Bill; a clamour which was confined to assertion and ridicule; and he had by accident contributed to the greatest part of the ridicule, as well as of the wit and argument, that had been used against it.

The Hon. Mr. *Villiers* made his maiden speech, and spoke in favour of ministers. The opposition wished, he said, to crush his right hon. friend, and to make him a cypher in the administration which they were to form.

Mr. *Rolle* spoke against the motion. It was unexpected, and the House was to be taken by surprise. It was not consistent with the declarations which some of the present supporters of it had formerly made, but they had shewn themselves to be political weathercocks.

Mr. *Marsham* took notice of this expression. Was he a political weathercock, because he supported the House of Commons against the punctilios of Mr. Pitt? because he ceased to vote with him on his standing in opposition to their declared sense? What must men of independence, who underwent the laborious duties of that House for the sake only of the public, think of such a conduct as the right hon. gentleman had been pleased to hold? They must, with all their predilection for him, give the preference where it was due—to the dignity and independence of that House.

Mr. *Coke*, alluding to the resolution which he moved, said, that no man should tell him that the calamities that might flow from the present interregnum were to be ascribed to him for making that motion; they were to be ascribed to those ministers who dared to stand up in proud opposition to the voice of the House of Commons.

Governor *Johnstone* said, he had all along called on the gentlemen to come to an address; but now he must blame them, for they had come to it at a shameful hour, and after the strangers were removed from the gallery, that the proceeding might not come to the public eye. It was well that they had moved for strangers to

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withdraw. Gentlemen talked of their temper, their moderation, and their conscience, and yet they proceeded to this hasty and violent step.

Mr. *Fox* said, that if any member in the immediate confidence of the minister, would rise and say, that by the postponement of the motion till Monday, the smallest particle of benefit could arise, or that thereby any thing like a promotion of union might be obtained, he would most cheerfully entreat the House for leave to withdraw his motion.

The *Solicitor General* traced the resolutions from their origin, and called for information, at what time it was that ministers became unconstitutional, by which the country gentlemen had been drawn from their side to vote against them. The country gentlemen had been seduced by the idea of forming a broad and extensive administration; but now it was beginning to appear that it would end in what he had always suspected, a change of the present for the old set of men, without any union.

Lord *North* said, that Mr. Dundas had declared, that the carrying an address to the throne would be the means of putting an entire end to the hopes of union; but when Mr. Fox offered, that if he or any other gentleman would rise and say, that by putting it off till Monday, any thing like union might be obtained, or any sort of advantage, the learned gentleman sat still. It was therefore evident, he did not think that the passing of the Address that night did put any farther bar to union than the resolutions already passed had done. He desired it to be so understood.

Mr. *Dundas* said, he did not think there could be any great difference between moving it to-night and on Monday. He could not presume to pledge himself to the bringing about a union. After seeing that the independent gentlemen, who had undertaken to promote union, had been so unsuccessful, he could not presume to venture on that olio which so many abler cooks had spoiled.

Mr. *Powys* thanked Mr. Fox for the very manly conduct which he held. His moderation would establish his character among all thinking men. But he declared, that as the motion was made, unless some person on the other side would rise, and move to adjourn, he could not consent to the motion being withdrawn. If any gentleman did rise, he would second the motion.

Mr. *Pitt* said, that without entering at all into the argument, whether the postponement of the motion till Monday could promote a union, or whether the putting it now could retard one, he would content himself with asking gentlemen if it was perfectly fair and candid to put it at so late an hour without intimation, and when many friends of his had gone away, in the confidence of there being no more business?

Lord *Maitland* denied that gentlemen had gone off singly. He believed not one, and he called on any member to rise up, and mention one person who had gone off uncoupled.

Mr. *Norton* said, that he was going; but he was stopped and desired to stay, as important business was expected.

Mr. *Marsham* still called on the gentleman opposite to him to stand up fairly, and say whether they wished to adjourn or not.

Mr. *Powys* said, that in the love of moderation, he would go farther than he at first proposed. He would second the motion, if any other gentleman would make one for an adjournment, even without a reason. If they would not do this, the sense must be taken, and the nation would know which of the two sides were the obstinate party.

Mr. *Marsham* concluded the debate with saying, that ministers must be answerable for the consequences of their obstinacy.

The House divided:—

Tellers.

Yeas	Lord Maitland Mr. Byng	177
Noes	Mr. Robert Smith Mr. Elliot	156

Majority against ministers, 21. It was then resolved, that the said Address be presented to his Majesty by the whole House.

At past five in the morning the House adjourned to Monday.

Balances in the hands of Mr. Rigby, late Paymaster-General.] Feb. 23. The *Attorney General* (Mr. Kenyon) moved, "That the right hon. Richard Rigby, late paymaster-general of the forces, do deliver to this House an account of the balance of all public money remaining in his hands on the 13th and 19th days of November last."

Mr. *Rigby* said, he was greatly sur-

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prised, that, contrary to all practice and rules of civility observed in that House, they had not been previously communicated to him, or the least intimation given to him, that such motions were to be made; but civility was a thing he had no right to expect from the learned gentleman; but he appealed to the House, whether even common decency had been observed on this occasion, where questions of so very personal a nature were brought forward in such a manner. He had no objection to the motions; his objections lay solely to the manner in which they were brought forward.

The *Attorney General* replied, that it was owing merely to the circumstance of having come down late, that he had not shewn the motions to the right hon. gentleman; for he certainly intended to have done it. The right hon. gentleman might have expected some such proceeding as the present; for when he was last in office, he had a conversation with him on the subject of his balance; and the right hon. gentleman assured him, that in the course of a few months, he would be able to collect the money, and pay it all in: when the right hon. gentleman had told him this, he pledged his honour to the House. The obligation of the oath he took, when he was sworn into office, compelled him to see, that, as far as in him lay, all the money belonging to the public should be paid into the Exchequer with as little delay as possible. He had found, in the discharge of his duty, much difficulty with respect to the balances of the late lord Holland and of the right hon. gentleman. With respect to the former, he was, at this moment, at a loss where to find a representative of him against whom he might proceed. Of the three executors whom that noble lord had appointed, one only had ever acted, the late Mr. Powell; but by his death, the proceedings against him as lord Holland's executor had abated; and as the other two executors had not thought proper to prove the will, he was as yet at a loss for a representative against whom he could proceed. As to the right hon. gentleman, the same difficulty did not exist with respect to him. The balances in his hands were great; they amounted, at the last payment made by him, to 200,000*l.*: but instead of paying them off in a few months, as he had promised, he had since applied to a favourable board of Treasury, and obtained, in addition, the farther sum of 140,000*l.*

Mr. *Fox* said, that of the three executors appointed by his father's will, lord Digby and himself had never acted as such; and since the death of Mr. Powell, neither of them had proved the will, nor would they: as for himself, he was deterred from it, when he saw that the public political conduct of men in that House made them objects of favour or persecution, according to the side they took in public affairs. He understood that, in cases of this kind, it was customary to apply to the nearest relation, when the executors refused to prove a will; and that nearest relation was at liberty to make himself the representative of the deceased, and his acting executor. Now, in this case, colonel Fox, his brother, was the nearest relation: but he had not been more than ten days in England—no very long time for consultation or deliberation whether he should consent to prove the will or not; however, he could assure the House that he would, on this night or to-morrow, determine on that point.

Mr. *Rigby* denied that he had ever said he would pay his balances in a few months. He complained of the extraordinary want of candour in the learned gentleman, in stating the circumstance of the 140,000*l.* that he got last year from the Treasury. The House, he made no doubt, imagined, from the manner in which the business was mentioned, that he had now that sum in his hands, together with the outstanding balance of 200,000*l.*; but the fact was, that the very day he received that sum, he paid it away for public service. The nature of the Pay-office had hitherto been such, that large sums had been issued to it for extraordinaries of the army, which generally remained a long time in the hands of the paymaster-general; in the German war they had accumulated to 5,000,000*l.*, and in the last war to very near 4,000,000*l.* This was to pay expenses already incurred, and not provided for by parliament. The debt, therefore, was contracted before the money was issued from the Exchequer. The debt for which he had applied for 140,000*l.* had been contracted while he was in office; but having no longer the public money in his hands, he got it at the Treasury, and paid it away immediately. He would be very glad, at this moment, to pay in his balances, but money was so scarce, that he could not raise it now without a heavy loss. It was well known, that, in the present state of credit, and lowered value of

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lands, the court of Chancery would not suffer a mortgage to be foreclosed. It was true, that in the mean time he received the interest of the balances in his hands; but this was an emolument which all his predecessors in the Pay-office had enjoyed before him: but he wished not, on this account, to hold the public money in his hands; so far was he from wishing it, he would consent to pay interest for it to the public, until he could, at a more favourable opportunity, call in the principal, and pay it into the Exchequer. In the present proceeding, he would seem to ask a favour; it was not, he believed, in the nature of the learned gentleman to grant one. He had not experienced from him that civility which was generally shewn between man and man; he did not speak without grounds. He lately received a note from Mr. Chamberlayne (solicitor to the Treasury) to inform him that, by order of the Attorney General, a *distringas ad computandum* had been issued against him. The note stated not the time when the *distringas* issued; but, on inquiry, he found it was in Trinity term last; and yet he received no notice of it till within these few days. Of the candour and the motives of the learned gentleman, he would leave the House to judge; to them he appealed, if any man in his situation had ever met with such treatment from an attorney-general. The obligation of his oath was his excuse; but this obligation was not felt so very forcibly by the learned gentleman some time ago, when he would not say, for political reasons, his oath did not force him to proceed as he was now about to do. But this prodigious obligation upon oath, which galled the learned gentleman so much, was never felt to such a degree by the most able, honourable, and learned of his predecessors. Lords Camden, Thurlow, Loughborough, and the late Mr. Wallace, whose characters he hoped he might venture to oppose to that of the learned gentleman, never felt that the duty of their oath called for such a mode of proceeding as was that of the learned gentleman.

The *Attorney General* said, it was always the practice of his predecessors to order a *distringas* to issue regularly twice a year, in order to put the public accountants in mind of their duty. If he forbore to proceed sooner against the right hon. gentleman, it was in consequence of the promise he had made to pay in his balances in a short time.

The motions were agreed to.

Debate in the Commons on the Receipt Tax Amendment Bill.] Feb. 24. The report of this Bill was brought up. On the question that the Amendments be read a second time,

Mr. Alderman *Newnham* opposed the motion. He said, that early in the session he had moved for repealing the tax entirely; but his motion was negatived. Since that, the present Bill was brought in, which, as it was meant to enforce the tax, was very unpopular through the nation. Those who disliked it had conceived that Mr. Pitt was an enemy to it; there were bills stuck up at the corners of the streets, which stated that he disliked the tax. If this was the case, he would now give him a fair opportunity of proving that he was; for if he would rise and say he was an enemy to the tax, he would vote with the right hon. gentleman against the Bill, in obedience to the instructions of his constituents.

Earl *Nugent*, so far from concurring in an opinion that the Bill ought not to pass, wished that the principle of the Receipt-tax was carried still farther; and he made no doubt but it might be made to produce a million annually, instead of 260,000*l.* for which it was originally given.

Mr. *George Onslow* called upon Mr. Pitt to declare himself an enemy to the tax; and in the thin House that he then saw, there was not a doubt but he would have a majority for rejecting the Bill.

Mr. *Brooke Watson* approved of the different regulations that had been made in the committee; they would be necessary if the tax was to be continued; but as he meant to obey the instructions of his constituents, he would vote against the report generally.

Mr. *Eden* thought there was no occasion to call upon Mr. Pitt to declare himself farther than he had already done; he, or whoever should happen to be the minister of this country, could not look for much popularity, when he knew there were 18,000,000*l.* of unfunded debts, and 12,000,000*l.* of navy, victualling, and other bills, which were now at 20*l.* per cent. discount, to be provided for.

Lord *North* was also of opinion, that Mr. Pitt ought not to be called upon to deliver his sentiments on the Receipt-tax; he had already sufficiently declared, that he would suffer the present Bill to go on; and consequently he could not be a friend to a repeal of the tax.

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Mr. *Pitt* said, that as the House had thought proper to negative a motion for the repeal of the tax, he would support a measure that was calculated to render it productive.

The House at last divided: Yeas, 51; Noes, 12. Majority in favour of the Bill, 39.

Feb. 25. Lord Beauchamp said, that at the present crisis it would be necessary that the proceedings of that House should be conducted with peculiar deliberation and temper. His Majesty's Answer, when known, whether it was graciously consistent with the wishes of the House expressed in the Address, or otherwise, would require consideration. He therefore should, consistently with a recent precedent, move, "That the House at its rising do adjourn till Friday next." Mr. Sheridan seconded the motion. Mr. Vyner and Mr. Strachey said each a few words; after which, the question was carried. The House went up to St. James's with their Address.

The King's Answer to the Commons' Address for an Efficient Administration.] Feb. 27. The Speaker reported to the House, that the House attended his Majesty on Wednesday last with their Address; to which his Majesty was pleased to give the following Answer:

"Gentlemen;

"I am deeply sensible how highly it concerns the honour of my crown, and the welfare of my people, which is the object always nearest my heart, that the public affairs should be conducted by a firm, efficient, united, and extended administration, entitled to the confidence of my people, and such as may have a tendency to put an end to the unhappy divisions and distractions in this country. Very recent endeavours have already been employed, on my part, to unite in the public service, on a fair and equal footing, those whose joint efforts appear to me most capable of producing that happy effect: these endeavours have not had the success I wished. I shall be always desirous of taking every step most conducive to such an object; but I cannot see that it would, in any degree, be advanced, by the dismission of those at present in my service.

"I observe, at the same time, that there is no charge, or complaint, suggested against my present ministers, nor is any one or more of them specifically objected to; and numbers of my subjects have expressed to me, in the warmest manner, their satisfaction in the late changes I have made in my councils. Under these circumstances, I trust, my faithful Commons will not wish that the essential offices of executive government should be vacated, until I see a prospect that such a plan of union as I have called for, and they have pointed out, may be carried into effect."

Lord *Beauchamp* observed, that some gentlemen had censured him for the motion made by him on Wednesday, for the adjournment to this day; but after having maturely reflected on his conduct on that occasion, he found nothing within him that told him it was censurable. From a kind of prescience he had had of the species of answer that would be given to the Address, he thought it would not have been proper to suffer gentlemen to proceed to business on Wednesday, after their return from St. James's, because they might possibly be too much heated at finding that the request of the House of Commons had met with a refusal on the part of his Majesty. But this was not his only reason: from rumour he had learnt, that some kind of overtures had been made for a negociation that might lead to that union which all parties so anxiously wished for; and he was desirous to prevent any discussion in the House, that might have a tendency to interrupt a negociation, upon which the salvation of the country depended: what was the success of the overtures he knew not; but he was of opinion, that he was serving his country, while he was endeavouring to suppress every thing that should have a tendency to defeat the wishes of the House. With these views, he held himself justified in what he had done. The particular object he had in rising at present, was to move, "That his Majesty's Answer be taken into consideration on Monday." He thought that gentlemen ought to have time to turn it in their minds, before they should give any opinion upon it. When he should attempt to deliver his opinion, he would follow the established and wise parliamentary custom of treating the King's Answer as the answer of the minister, who advised him to give it; whatever was gracious in it, if any thing gracious could be discovered in it, he would of course attribute solely to his Majesty; but whatever was ungracious in it, he would ascribe

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to his ministers: with this parliamentary distinction, he should be able to treat with freedom, in considering that the only one of the kind that had ever been given by a prince of the House of Brunswick to a House of Commons. He said that he intended, if his motion should be carried, to follow it with another, "That the House do now adjourn;" because he thought that when ministers advised the crown to stick so closely to prerogative, the House would betray the rights and privileges of the people, if they did not take measures to defend those privileges, and to enter upon that, in preference to every other business. His lordship concluded by moving, "That his Majesty's Answer be taken into consideration on Monday next."

Mr. *Fox* seconded the motion *pro formâ*.

Sir *Robert Smyth* said, that to adjourn now, would be to neglect the business of the nation, by putting off the consideration of the supply, and particularly of that part of it, which was to be voted for the navy, the estimates for which were this day to come before the House. The people would have reason to construe these different adjournments and delays, as amounting to a refusal of the supply.

Mr. *Pitt* said, that the noble lord had made one motion, and had mentioned another which he intended to make, for adjourning the House: they were to be considered as two very distinct questions; to the former he had no objection; he was ready at this moment to discuss it; he certainly was responsible for it, for he had advised it; but if the House wished not to take it into consideration before Monday, he was satisfied, and would give no opposition to the motion; but he certainly would oppose the adjournment of the House.

Sir *Adam Ferguson* condemned the adjournment of Wednesday last: he said, it was rather a curious circumstance, that gentlemen should have been allowed time from Wednesday to this day, to consider of an answer, which they did not hear till within a few minutes, when the Speaker read it from the chair.

Sir *William Dolben* also condemned the adjournment: it was shameful, he said, thus to delay the public business, while some gentlemen were disputing about punctilios of honour, which they were endeavouring to conceal under an affected regard for the honour of the House. His Majesty's Answer was every thing that his subjects could wish; and therefore there was no ground for saying that it was ungracious. The House had already advanced pretty far into the session, and the public business had not yet been brought on. He wished, therefore, that these independent country gentlemen, who had never attached themselves to any party, would unite, in order to put an end to the divisions of the House.

Mr. *Hussey* said, he considered himself one of those independent country gentlemen, who had never attached themselves to any party, and wished as much as any for that union which the two very respectable members had been labouring to effect, and which he hoped they did not yet despair of. He entreated them to persevere in their patriotic undertaking; for they might be at least able to prevent those consequences, the very idea of which might well make an honest man's blood run cold. He was not in the House when the motion was made by the noble lord on Wednesday last, to adjourn to this day; but as soon as he heard what kind of an Answer had been given to the Address, he felt the propriety of the adjournment, for which the noble lord had his hearty thanks.

Mr. *Fox* observed, that with respect to the Answer, he would reserve himself for the day on which that matter should be regularly before the House: he would not compare it to any answer since the revolution; for he believed such an answer, since that period, could not be found in the Journals. An hon. baronet had said, that some persons endeavoured to conceal punctilios of honour under the affectation of a regard for the honour of the House: this was a very singular way of speaking; for when men were actuated by punctilios of honour, they never could be ashamed to avow them; and consequently could have no reason to have recourse to any other covering to conceal what it was honourable to avow. But it was not very uncommon for some persons to conceal, under an affectation of punctilio of personal honour, what it would be disgraceful to them to mention under its own name. That the business of the nation had been long delayed, he was ready to admit; and he believed it did not require much penetration to discover with whom the blame rested.

Mr. *Vyner* said, that he did not second the motion for the adjournment on Wednesday, but he approved and supported it; for though there were not many members

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in the House at first, yet a little before its rising, there were 150; and as he understood that no more intended to come down that day, he thought that too small a number to proceed upon business of importance after the Speaker should have returned from St. James's.

Mr. *Drake* declared, that he would uniformly oppose every attempt to delay the public business of the nation.

Lord *Muncaster* did not hesitate to say, that the adjournment on Wednesday was as pitiful, as low, and as indecent a party trick, as ever he had been a witness to.

Lord *Beauchamp* expressed his surprise at these severe epithets. If he applied them to the measure itself, the censure fell upon the House, who adopted it: if it was at him personally, he was still more surprised, as not having the least personal acquaintance with the noble lord, and consequently not having had any opportunity to provoke such an attack.

Lord *Muncaster* said, he spoke not of the measure as adopted by the House, but as a pitiful trick into which the House was trepanned. That he could mean nothing personally disrespectful to the noble lord, appeared very clear from the reason stated by the noble lord himself.

Sir *William Dolben* stated, that a very particular reason why the House ought not to have adjourned over Thursday, was, that on that day a question was to have been brought on, affecting the seat of lord George Lenox, and consequently the privileges of the freeholders of Sussex.

The question was at length carried.—Lord Beauchamp then moved, "That this House do now adjourn till Monday next."

Mr. *Pitt* rose to oppose this motion; but he said, he wished not to provoke a debate, for a long debate would operate as an adjournment by taking up the attention of the House so long, that it would be too late to bring on any other business. He therefore wished that the sense of the House might be taken early against the motion. He belived it was contrary to the usage of parliament to make the consideration of an Answer from his Majesty to supersede all other business. He then stated the various delays that had been thrown in the way of public business. When it was expected that the navy estimates would have been brought forward on Wednesday last, a noble lord moved to adjourn. This day, when the same business was again expected, the same noble lord moved to adjourn; and on Monday, the consideration of the King's Speech would be brought forward, still to put off the business of the supply. Where would this end? Gentlemen were desirous to be thought ready to grant the supply, but that readiness was to be found only on their lips, not in their actions.

Mr. *Powys* said, he was one of those who thought delaying was not refusing a supply; and, whatever might be thought of his conduct, he would vote for the adjournment; for he did not think that any business should be brought on, until the House should have come to some resolution upon his Majesty's Answer. For his part, he was ready at that moment to deliver his opinion of that Answer; but as the House had thought proper to put off the consideration of it to Monday, he would reserve himself for that day. An hon. baronet had said, that the franchises of the freeholders of Sussex were affected by the question which was to decide upon the right of a noble lord to a seat in that House; but a far more momentous question was now to be agitated; a question which would affect the rights and privileges of all the freeholders of England, whose rights were attacked in the persons of their representatives. Another hon. baronet wished that the House might take into consideration the situation of persons who deservedly had forfeited their liberty, and were confined by law; but a far more important question awaited the decision of the House—whether the people of England, who now enjoy liberty, shall be deprived of it by prerogative, or maintained in the enjoyment of it by the efforts of their representatives?

Earl *Nugent* condemned the adjournment, because it threw a delay in the way of public business. He mentioned a report he had heard of a short Mutiny Bill, but he hoped no such measure was seriously in contemplation, for it was unprecedented in the annals of this country. He charged the majority of the House as responsible for all the consequences of delay, and wished that gentlemen, laying aside all party animosity and punctilio, would heartily unite for the good of their country; the union-flag had been reared, but hitherto he was sorry to find few had rallied to it.

Lord *North* said, a short mutiny act was not more unprecedented, than a short memory; if the noble lord had a good memory, he might have recollected, that

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in the very last session two short Mutiny Acts had passed, and that the present Act was in fact the third that passed last session. He thought a dissolution of parliament would produce most serious consequences, which he was desirous to avert, by passing a short mutiny bill; he wished that this parliament might not soon be dissolved; and he wished it for this as well as for many other reasons, that the people of England might have time to make themselves acquainted with the nature of the contest in which their representatives were at present engaged with the prerogative of the crown; for he was convinced that the people would soon understand it; and he was as fully convinced that when they did understand it, they would support their representatives. He had been told once that the borough of Banbury, which he had the honour to represent, had condemned his conduct by sending up an address of thanks for the dismission of the late ministers; but he had the consolation to say, that not one of his constituents had signed the address. The noble lord ascribed to the majority all the bad consequences that the delay of public business might produce; but he knew very well that the right hon. gentleman (Mr. Pitt) might prevent all these consequences in twenty-four hours, by a resignation. How the majority could have been maintained, if not by principles of regard for the constitution, he could not tell; for it was well known what very laudable endeavours had been used by threats to some, and by promises of honours and emoluments to others, to ease the majority of many of the members who compose it. It was imagined, he presumed, that a majority ought necessarily to attend upon a minister, without any regard to principle and to honour; so that a majority having supported one administration, it ought of course to be handed over as a kind of heir-loom to the succeeding ministry. And the majority of the present House of Commons having had the presumption to break through this opinion, and the audacity to act with freedom, with firmness, and consistency, were justly styled a faction—a set of rebels, who had the temerity to raise their voice against the minister, and carry a complaint against him to the foot of the throne. When such a majority appeared against an administration, it was absolutely necessary that either the parliament should be dissolved, or the ministry dismissed; for he might say with truth—*Mors Conradi vita Caroli—Vita Conradi mors Caroli:* but as he said before, he wished the parliament might not be soon dissolved, and he would not hesitate to say, that the parliament and the people would soon be one. He wished for union as earnestly as any man (though by-the-bye if there was no union, he would have some chance of getting again into office; whereas he had resolved to take himself out of the way, in case a union should not be otherwise found practicable), for he knew that union alone could be the salvation of the country. But the dignity of the House and its weight in the constitution must not be sacrificed. He had been a witness to a circumstance on Wednesday last, the like of which he had never seen before; he had seen a member of that House hissed within the very walls of the palace, while attending his duty, in carrying up the address of the House: he had often heard of popular huzzaing and hissing in the streets, of which, by-the-bye, in no circumstance did he ever approve, and which he compared to that war in Paris in the time of the great Condé, called *la guerre des pots de chambre;* but he never remembered to have heard that even a common councilman had been hissed or insulted under the roof of Majesty, where he had seen a member of that House insulted by contemptuous behaviour and hisses. He did not mean to say that ministers encouraged such insults; but gentlemen would easily see how petty officers, and the most insignificant persons about the court, could catch the manners of their superiors, when they find that it was fashionable to run down the House of Commons, and sink their consequence in the country.

Mr. *Marsham* said, he would vote for the adjournment, but he would not have it understood that he meant to refuse the supply; he knew it was the wish of the people that the supplies should be voted; he wished therefore the minister would propose the loan, and bring forward his supplies, and he assured him, that on that head, whatever might be his opinion of his conduct in other respects, he should have his support.

Mr. *Fox* begged the House would remember, that though the majority had been once already charged with having refused the supply, merely because it had been postponed, the charge was refuted by the subsequent grant of it: the majority thought it improper, in the first moment after an ungracious answer from the King,

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to vote the supply, until a measure had been previously taken by the House to secure its own honour. By this precedent, he intended to regulate his future conduct; and when the House should on Monday have agreed to some previous measure that might secure its own honour and consequence, he would then vote the supply, without even waiting to know what would be the effect of that measure.

Mr. *Loveden*, in a maiden speech, observed, that he had, in right of himself and family, the misfortune to be a great public creditor, and was of course an enemy to procrastination. But whatever became of that property, he trusted another kind of property would remain to him, which would give him a constitutional right to enjoy a seat in the House, as long as he wished to continue it, and support his independence there. That having unhappily been prevented from attending his duty when the resolutions were agitated, which some gentlemen thought a regard for the honour of the House required them to support; and as he never had enlisted under the banners of party, and would give his reasons for supporting the present ministers, in preference to those who had recently been dismissed, he hoped a country gentleman might pretend to some knowledge of the constitution of that government under which he lived, and might express some concern for the good of his country, without intruding on the particular department of some gentlemen, who arrogated to themselves all constitutional knowledge, who were zealous and most disinterested advocates for the public good, and who thought their claims to public favour, founded in their warm professions for the public weal, superior to those of others who had done real benefit to the state. He did not distrust the attention of the House to sentiments which flowed in unadorned language spontaneously from his heart, notwithstanding it was frequently amused, and its judgment misled by fine speeches, abounding with the choicest flowers of rhetoric, which rivalled the ancient oratory of Greece and Rome. Mr. Loveden said, the happy form of government under which we lived had ever claimed universal admiration, and justly received the historian's panegyric through every age and nation. That it was their indispensable duty, who felt and enjoyed its blessings, to resist with all their might the smallest attempt to injure or introduce an innovation in that system which even foreigners looked up to with veneration. That it was their care, their sacred charge, to deliver down to their posterity that inestimable blessing which had descended to them from the virtue of their ancestors. That the welfare of their country and the happiness of its subjects ever had depended upon the due exercise of the function adapted by the constitution to the three component parts of the legislature, king, lords, and commons. That our liberties were in danger, when either branch stepped byond its natural bounds, for then it must invade the privileges of another. That the King's right to appoint his ministers was not, nor could not be questioned; nor could the right of that House be denied, to control and check the actions of ministers, whenever they appeared detrimental to the public welfare. If ministers were not suffered to proceed in necessary official business, the king's prerogative then became useless, the executive power of the state was but nominally in him, just actually vested where the constitution would not trust it, where the people would not suffer it. That if a resolution of that House could avail to supend the execution or alter the nature of a law, for the formation or repeal of which law a union of three parts of the legislature had been required by the wisdom of the constitution, then that House became paramount to the other two; and though nominally three parts, the government virtually consisted but of one. That the Lords had their distinct privileges, and being not bound to adopt the measures of that House, ought not to be censured for using their discretion. If the conduct of affairs had been entrusted by his Majesty to men of no property, corrupt morals, and profligate lives, there would be reason to reprobate his choice. He paid a handsome compliment to Mr. Pitt; said an unblemished moral character was a *sine qua non* in a minister. He was very severe on the coalition, observed upon what lord North had said of the Banbury Address, and told the House the paragraph alluded to had originated in the Oxford paper.

The question being put, "That this House do now adjourn till Monday morning next," the House divided:

Tellers.

YEAS	Lord Maitland Mr. Byng	175

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NOES { Mr. Elliot - - - - - - } 168
{ Mr. Robert Smith - - }

So it was resolved in the affirmative.

Debate on Mr. Fox's Motion for an Address to the King to remove his Ministers.] March 1. The order of the day being read for taking into consideration the King's Answer to the Address of the House on the 20th of February, and the said Answer being also read,

Mr. *Fox* stood up, and begged that the House would allow him to preface what he now deemed it his indispensable duty to say, with a short review of those peculiar circumstances in which the House of Commons, the people of England, and the constitution of the country, were all inevitably placed by his Majesty's late Answer to the Address of his Commons. He connected all these particulars into one view, because they were all formed to stand or fall together. It was not in the wit or machination of man to dissever them for a moment, and whoever made the attempt, would be taught from the issue that it was nugatory and chimerical. But on what ground did they now stand? Had not his Majesty put a negative on their joint wishes? Was not this a situation to which they had not been reduced since the glorious æra of the accession of the House of Brunswick to the throne of these kingdoms? The two first princes of that auspicious and illustrious family were not, perhaps, wholly without favourites: for what prince ever yet was? or who could blame a king for having friends? It was the consolation of human nature to be susceptible of such predilections as suit the peculiarities of every temper, character, and situation. Where was the man, or the minister, who would prescribe terms to royalty, which would injure the feelings, and bar the comforts of an individual? Notwithstanding this, which perhaps was the feature of all reigns, unanimity marked those both of George the 1st and 2nd. Whatever attention they might pay to secret advisers, whatever degree of curiosity or inquisitiveness might affect their hours of social and friendly intercourse, the harmony of the nation, the public business, the great concerns of the nation, were seldom or never interrupted by an ill-advised and unconstitutional preference of any man, or set of men, in opposition to the representatives of the people at large. In the late reign especially, lord Hardwicke evidently possessed much of the royal confidence. His abilities were unquestionably eminent, and justly procured much respect both at home and abroad; but when the circumstances of the country demanded a surrender even of his counsels, when some of his Majesty's subjects were in open rebellion, and when the crown was satisfied that a new system had become indispensable, was not every system of favouritism readily, generously, and magnanimously relinquished? Had it been otherwise, and had those who were said to have deserved his Majesty's favour, retained their situation, in direct opposition to all the calls and expostulations of the House and the country, all those splendid and incomparable actions which graced the subsequent war, had most undoubtedly been prevented; the glorious victories which then took place, and overwhelmed all Europe with astonishment, had not been acquired. The vast appendages of the British empire must consequently have been so little as to have excited no envy, it is true; but neither would they, in this hypothetical scale, have produced such emoluments, such wealth, such grandeur, such influence in the scale of nations, as they unquestionably did. If on that pressing and interesting occasion the system of personal favour had not given way to objects of public safety and tranquillity, the illustrious name of Pitt had never been known in this country; had never given the people of England such an influence in government as the constitution has assigned them; had never infused such a spirit of intrepidity and enterprise in the executive government of the country, as must for ever distinguish the period in which he reigned, and the measures which originated in his advice.

From these facts and speculations, he desired the House to observe what part they now acted. They were, in his opinion, standing up for the constitution, as enjoyed, as established, as transmitted by their ancestors to their posterity. This ground they had taken; in this it was their duty to intrench themselves; and from this asylum he was certain no honest and sincere friend to the constitution would wish to drive them. They were at least founded in the constitution of the country, and whenever they fell, so would it. They were so united as to live or die together. It was now, perhaps, more than ever committed to their care, who had always been its preservers; and to abandon it thus

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beset, thus assaulted, thus doomed, for aught he knew, to destruction, would be to deal perfidiously with their obligations to their constituents and to the public. When he complained, that no other prince of the race of Brunswick had ever given such an answer to an Address of that House, he was answered, no House of Commons had ever made such an Address. But this question he would beg leave to answer with an anterior question —Did ever the crown, since the Accession, keep in office a ministerial arrangement, not only without the confidence of the House, but against its express requisition? This made the matter altogether new and unprecedented: but new and unprecedented as it was, it did not originate in the House; they had acted only on their defence, and would have ill deserved the confidence reposed in them, had they not done every thing in their power to preserve the privileges at once of the House, and of those for whose great original rights it was at first instituted. He referred to the case of sir Robert Walpole. No man ever possessed the confidence of the House of Commons more completely than this minister. He would not enter into the question, whether he deserved it or not; but the fact was notoriously as he had stated it. Was he, then, resolutely inclined to dispute the eager desires of the House to remove him? Did he resist all their efforts for that purpose? No: when the moment came which convinced him that he was no longer the person on whom they chose to rely, instead of urging the inconsistency of such a revolution in the political sentiment of the House; instead of taking shelter in the arms of prerogative; instead of placing any dependence on those about the throne, who had been long his fast and tried friends, he freely and at once abandoned a station to which, from this single circumstance, he found himself inadequate. How, then, was the constant harmony which subsisted in every part of government sustained and cultivated? It was, at least, as often owing to the compliance of the King with the sentiments and wishes of his faithful Commons, as of their complaisance to his inclinations. He did not deal in the extension of prerogative, nor they in the assertion of their privileges. A reciprocal disposition to cordiality and accommodation in case of any accidental collision, was not more predominant in the Commons than at court.

Since the unfortunate reigns of the Stuarts, prerogative had never been so much the topic of discussion as it had become of late in parliament. His ideas of whatever the constitution had vested in the crown were no secret; he ever had and ever would avow them. No prerogative of the crown was, in his opinion, distinct or unconnected with the whole of that free and liberal system in which our government chiefly consisted. The people were the great source of all power, and their welfare the sole object for which it was to be exerted; but who in this case were to be the judges? The House of Commons undoubtedly were competent to protect the rights of the people, to pronounce on whatever they deemed an encroachment on their privileges; and the moment they could not prevent every thing which struck them as such, they were not equal to the design of such an institution. This he called a due seasoning or modification of that enormous power devolved by the constitution on the executive government of the country. The House of Commons consequently were possessed of the power of putting a negative on the choice of ministers; they were stationed as centinels by the people, to watch over whatever could more or less remotely or nearly affect their interest; so that whenever they discovered in those nominated by his Majesty to the several great offices of state, want of ability, want of weight to render their situations respectable, or want of such principles as were necessary to give effect to the wishes of the House; in any or all of such cases they were entitled to advise his Majesty against employing such persons as his faithful Commons could not trust. They would then say to such ministers, and say it with the greatest propriety, "We admire your abilities, we love your virtues, and we wish your politics were of a sort to excite our admiration and conciliate our confidence; but your system is inimical to the object we have most at heart. We wish to increase the weight of the people in the constitution; your object is to lessen their weight. We are anxious to establish a strong, an efficient, a united administration; you endeavour only to preserve one who possesses none of all these qualities. We would found an executive government on public, open, unequivocal responsibility; you are endeavouring, in its room, to perpetuate a cabal. We assert the control

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of parliament wherever the general interest requires their interference; you are attached only to what you imagine is the independence of the prerogative. In short, we are the friends of the people; they made us what we are; to them we are accountable; and for them, as far as the constitution bears us out, we will act: but you avow sentiments so materially and flatly contradictory to these, that we are bound in duty to withhold from you that confidence, which your avowed attachments and opinions must inevitably lead you to abuse."

Much offence was taken, it seemed, against the House of Commons, on the score of not putting the most unlimited confidence in the present ministers: but why were not the jealousies, which were the causes of this treatment so loudly complained of, also taken into the account? Would any man come forward and affirm, that the House had no cause of jealousy; or had acted capriciously in the several steps which it had been obliged to take in its own defence? He begged gentlemen would recollect the mode in which his Majesty's ministers had been called to office. What was the manner of the nomination which took place, and was the only reason that could be alleged in behalf of ministers? Were not grounds of jealousy involved in that circumstance, which justified the diffidence of the House, which had put them on their guard, which had treated them with a disrespect to which they had for a long and happy period been strangers? Thus situated, what could they have done, which it was their duty to do to the public, to themselves, to his Majesty? In this was grounded their want of confidence. It originated in that independence which was their most precious privilege, which had long continued, and which, he hoped, would still continue one of their proudest distinctions. How, then, were they to act? Was it in their power to treat his Majesty with more loyalty and respect than by addressing him as they had done? What language did that Address speak to the throne? It told his Majesty what the wishes of the House were; that the great object to which they pointed all their movements was such a ministry as the circumstances of the country required; that this object could only be obtained by the dismission of his ministers, in whom they could not repose any real confidence; and that this obstacle his Majesty only could, and they trusted, in his paternal regard for his people, that he would remove it. Need he say how this dutiful, he would call it, this constitutional Address (for such the people of England, and especially their posterity, would yet find it to be), was returned? Were the several sentiments in his Majesty's Answer gracious or not? He would not dwell on any thing which might bear a different construction; but taking it for granted that the whole House considered it as a negative to the desires of the House, he presumed they would agree that something farther was still necessary on their part. This was the distinguishing feature of the present administration. They had kept the House in suspense from time to time. It seemed to be their system, that they would not be guided in any degree by the sentiments of a majority of the House. No other hypothesis could give any thing like a rational solution of their conduct. The House was therefore obliged to act towards them in a manner altogether unprecedented. No other conduct would suit their manner of proceeding.

Why, it had been asked, were the supplies not withheld? The reason, at least, on which he, for one, had hitherto voted for the supplies, might strike the House as a paradox. It was nevertheless real. He had not sufficient confidence in the ministers of the day to withhold the supplies. This, as he had always maintained, was a weapon put in the power of the House, for the advantage of the community at large. It ought, therefore, with all their other powers, to be exerted only where that was a probable consequence. When Mr. Thomas Pitt, the present lord Camelford, had made a similar proposition to the House, he had voted with his lordship freely and fully. But why? The reason was obvious to every man in the House. He knew the temper, the principles, and the disposition of the noble lord (North) better, than to suppose him capable of setting the House at defiance, in case such a motion had been carried against him. Much as he had opposed him, and strong as the language was, which, in the heat of debate, he had frequently used, from a conviction that it was then his duty to use it, still he was well aware the noble lord had a greater respect for the constitution than to oppose his official existence to the decided opinion of a majority in parliament. On this principle, therefore, he had voted to stop

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the supplies, in order to defeat the prosecution of a war, which he considered as ruinous in its consequences to the interest of the public. But he could not do so in the present situation of the question. The House had not reliance enough on the public spirit of ministers for promising to themselves any success from such a measure. They saw the effects: it would only plunge the country in confusion. The ministers' love for the constitution was not sufficiently visible to make them willing to risk the experiment. Were they certain that a vote of this kind would bring back the servants of the crown to constitutional ground, and re-establish the consequence and importance of the House, he was willing, as an individual, to go without hesitation into that measure; but then he could not be supposed to adopt it on any other principle; for on the supposition that even this last exertion of privilege would be resisted, into what difficulty did it plunge the House of Commons? what infinite and irreparable confusion would it not occasion in the country? He asked, what sort of a government could take place on a principle which did not imply the confidence of the House? It was not necessary for him to point out its debility and insufficiency. In that case, considering the immense extent of those sums which this House were in the habit of granting, would they not hesitate? Thus every minute article in all the various specific estimates which came before them, would be constantly inspected, scrutinized, and treated with a scrupulosity which must be peculiarly incompatible with that dispatch so essential to the business of the House. What an administration would this be! How inadequate to the management of affairs so intricate, important, and multifarious as ours were! It would only, as his hon. friend (Mr. Burke) had lately called it, be a body without a soul, a form destitute of spirit or power.

But still they were urged, in the language of defiance, to do their utmost. This mode of menacing them was intended to have its operation, and they were certainly not in the fault that it had not. He would witness for ministers, that whatever men could do, and more than most men would have attempted in their situation, had been done to promote their schemes of divesting the House of all its constitutional importance and effect. He would not mention the peculiar industry by which they had endeavoured to substantiate and realize their favourite system. But, undoubtedly, every thing they did would, when men's minds were relieved from the pressure under which they laboured at present, be sufficiently seen through and understood. The House, however, had hitherto treated the whole with a delicacy, for which it deserved much credit, and with the discerning, disinterested, and dispassionate part of the people, would certainly be much in its favour: and he was ready to abide by it, that to have acted with confidence to ministers situated as those of his Majesty now were, would have been an insult to the constitution. They who had the misfortune to be in office under circumstances thus hostile to the people, could not have expected any such compliance, as they must have known the temper and principles of the House more accurately than to build their hopes against their convictions. Even this most gross and precipitant conduct was left for those times when prerogative was palpably meant to bear down every thing. Putting all these things together, would any one pretend that the design of his Majesty's advisers was levelled at individuals? He was certain no intelligent person, who had inspected the genius of successive administrations in the present reign, could entertain such an opinion for a single moment. Who would aver that the present dispute, for example, was entirely confined between the right hon. gentleman and himself? No. This theory would not go down with him. It would not have answered their purpose who were at the bottom of the plot. It would not show the utter insignificance of the House of Commons. It was not calculated to make such a breach in the legislature as ages to come might not be able to repair. Therefore such a scheme was not adequate to their inclinations, with whom the present no doubt began, and by whose influence, unlsss the spirit of the people should interpose, it would assuredly be completed. Their object was to render the House of Commons a mere appendage to the court, an appurtenance to the ministers. Then the interests of the people would be happily and faithfully cherished by the crown and their hereditary representatives! It was true the House of Commons could then do nothing; but every function that distinguished them from the other branches of the legislature would be found in much greater perfection in that immaculate fort-

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ress, where no reformation of any kind had ever yet entered!

He adverted to the fate of the India Bill, and asked if it did not owe its opposition, its extinction, to secret influence? This phraseology had been censured as quaint, and used only for sinister purposes: he would nevertheless adopt it, as referring to a circumstance, which, though in its own nature incapable of proof, he believed in his conscience was universally credited. But he used the phrase 'secret advisers,' out of that respect and delicacy which he should always think it became him to speak of the prince on the throne. He well knew his sovereign was not what these officious advisers attempted to represent him. He was sure his heart would have no share in the business. A noble earl had gathered the opinions for the professed purpose of giving such information as should afterwards determine the royal conduct; and had not the constitution provided that his Majesty should know nothing of what was going forward in either House of Parliament, with a view to influence the debate? The House had been long acquainted with this statement. He would assert, there was not a man in the House who did not believe the reality of the circumstance thus related: as few, he trusted, would dare to come forward and attempt to justify those on constitutional grounds. Nay, it was again and again admitted to be wrong. Indeed there was no great probability that his Majesty would have been thus easily swayed by a stranger, when he had not communicated on these topics even with his confidential servants. But the tale was not certainly in favour of the parties. Yet neither of them endeavoured, by any means, to give it such a contradiction as might have been expected. The rumour consequently gathered ground from this circumstance, and spread to such a degree as put all doubt or hesitation out of the question; and no individual but gave credit to what every body asserted. In short, he was so convinced that this conviction was real, however disguised or denied, that he would not converse with that man who affected to hesitate about it. On what, then, was the existence of the present ministers founded? Was it possible to mistake their intention? Were they not meant to annihilate the House of Commons, in complaisance to the crown and the House of Lords?

He went at large into the history and management of the ministry, and traced every step of their conduct in office, as all tending to the disgrace of the House of Commons, as bearing uniformly to that point, and as utterly inexplicable on any other supposition. Why had not ministers dissolved the parliament? Was not this an object in which they rested many of their hopes on the commencement of their official existence? The temporary inconveniences which they apprehended were the only reasons on which they had kept together. The means on which they had come in, and by which they had intended to govern the country, were consequently objects of suspicion and dislike. His Majesty's Answer was not satisfactory. It was very extraordinary, and such as the House had no reason in the world to expect. The country had not for a long period been in such circumstances. Where were the men who could now expect to be of any substantial service to the country? Our wants and difficulties were hourly multiplying, and would no doubt continue to multiply. Ministers were reduced to a line of conduct that must in a great measure hurt them with the public. It was impossible for them to serve their country conscientiously without hazarding many bold and unequivocal measures. But whoever would venture on several questionable acts, would unavoidably be unpopular. A horror of what might be the consequence of the present contest would also naturally startle the minds of most men, and abridge that confidence in public characters, without which there could be no stable or efficient ministry in this country, so long as it retained its ancient and hereditary spirit. The hostility of ministers to the constitution reduced them, therefore, to this dilemma, either to do something harsh and unpopular, or surrender their liberties without a stroke. The difficulty of acting under the peculiar and original circumstances of the House at this time, depended a great deal on the feelings of the ministers. Had those men, who were now in office, the proper conception of their situation; the conduct of the House was obvious. But they were not disposed to convince mankind that they felt like other men. They seemed, in his opinion, not sufficiently alive to sentiments of true dignity, or at least he differed from them in what they doubtless thought a manly and spirited conduct. However they would soon, and certainly like all their predecessors in the same predicament, gather

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knowledge from experience. Which of them had not felt the capriciousness and treachery of men who had no responsibility? He desired the House to remember the history of lord Chatham. With how much honest confidence had that great man entered the royal closet! He thought his own elevated sentiments superior to all the duplicity which he could any where encounter. He consequently was equal to the transcendent abilities and virtues which he possessed, and to those astonishing actions and achievements which marked their exercise in the service of his country. But he had done too much to be forgiven. It was his ruin, not his honour, the secret advisers of majesty consulted. This he was not long in perceiving, though he did not perceive it till the injury meant had taken effect; and it was well known how it had operated both on his character and popularity.

Having gone over an infinite variety of topics, he observed, that he had always stated it as his opinion, that the House could advise the removal of ministers without giving their reasons. This was a most important question, but he dreaded the trial of it, as the consequence might be fatal. It ought, however, to appear to the House and the public, what the real debate was, and on what it hinged. There was nothing in it personal. The House was the object to be degraded, and there was not another step necessary to complete the catastrophe of the constitution. He was not a little sorry that the House was referred in the Answer to the Addresses. This he thought a language, at least, by no means constitutional, and regretted that it had been used from the throne; for, in his mind, there was a great difference between using it in parliament and arguing from it as far as it would go, and putting it in the King's Answer to the Address. This was giving it a consequence which he was not ready to admit, and he would, on all occasions, be extremely shy of establishing any thing like an appeal to the people against their representatives. He was against adverting to precedents, where the issue was so unfortunate to all the parties concerned; but the reigns of the Stuarts alone furnished the only ones which could apply to the present dispute; and who that had read and considered the history of those misguided and ill-advised princes, could help observing, that they were buoyed up with addresses in the very moment when they were virtually proscribed by the hearts and sentiments of their people. He was not very willing to say any thing about the Addresses, either how they were procured, or to what extent; but he would say that there were certain constitutional questions on which they were by no means competent to advise the House; and whatever their opinion might now be of the matter pending between prerogative and privilege, he did not doubt but they would one time or other be in a capacity to distinguish their friends from those who had all along endeavoured to make them their dupes.

He begged gentlemen would only look to both sides of the House, and consider with themselves who were the people most likely to form the government so much wanted. He had never said any thing of the present ministers with regard to their abilities, as he wished, in the event of a union taking place, to say nothing which could retard its progress. But now that this great object was apparently at an end, he would say that the right hon. gentleman over-against him possessed very eminent talents. This was a tribute which he thought his due, and which he had never been backward to pay. He would not, however, go over the arrangement alphabetically, nor single out the several individuals of whom it was composed. But to speak of their abilities collectively was absolutely ridiculous; and therefore he might be allowed to think them not of ability equal to their situation. But this was not his only or his greatest objection to them. He did not know how he might be able to act with men who might possess the confidence of the secret advisers of majesty. He and his friends, as they had lately experienced, might then have to struggle at once with public dislike, on account of what it was their duty to do, and secret influence; consequently they could never be sure; and this was an obstacle of so serious a nature, that it deserved the attention of the House, as it appeared to him almost insuperable.

He had discussed the subject dispassionately, as men's minds were already but too much fermented to judge of it coolly. He knew and maintained the power of the House of Commons; but as the country was circumstanced, he still thought intermediate measures most eligible. These he always had, and ever would prefer. His intention, therefore, was to move an address, in which no reference was made to any thing which

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might appear ungracious, and suitable acknowledgments returned for whatever, in any part of it, would bear a favourable interpretation. This task had devolved on him, not because many on his side of the House were not equal to the task, or perhaps, from personal circumstances, might not have done it with more delicacy and propriety; but the train in which he had thought on the subject, and the constant attention he had ever given it, besides the satisfaction of avowing his ideas fairly and openly, as well as the large share he had hitherto taken in the debate, were all motives with him for standing forward in the business. He had used as much delicacy to ministers as he thought consistent with his duty, while the probability of some of them acting as his colleagues in office remained. That probability, however, in his opinion, had now ceased; and he saw nothing for the future to forbid his giving way to those feelings and reflections which, from every view of the subject, were unavoidable. Mr. Fox then moved,

"That an humble Address be presented to his Majesty, most humbly to represent to his Majesty, the satisfaction his faithful Commons derive from the late most gracious assurances we have received, that his Majesty concurs with us in opinion, that it concerns the honour of his crown, and the welfare of his people, that the public affairs should be conducted by a firm, efficient, extended, united administration, entitled to the confidence of his people, and such as may have a tendency to put an end to the unhappy divisions and distractions of this country

"To acknowledge his Majesty's paternal goodness, in his late most gracious endeavours to give effect to the object of our late dutiful representation to his Majesty.

"To lament that the failure of these his Majesty's most gracious endeavours should be considered as a final bar to the accomplishment of so salutary and desirable a purpose; and to express our concern and disappointment that his Majesty has not been advised to take any farther step towards uniting in the public service, those whose joint efforts have recently appeared to his Majesty most capable of producing so happy an effect.

"That this House, with all humility, claims it as its right, and on every proper occasion feels it to be their bounden duty, to advise his Majesty touching the exercise of any branch of his royal prerogative.

"That we submit it to his Majesty's royal consideration, that the continuance of an administration which does not possess the confidence of the representatives of the people, must be injurious to the public service.

"That this House can have no interest distinct and separate from that of their constituents; and that they therefore feel themselves called upon to repeat those loyal and dutiful assurances they have already expressed of their reliance on his Majesty's paternal regard for the welfare of his people, that his Majesty will graciously enable them to execute those important trusts which the constitution has vested in them, with honour to themselves and advantage to the public, by the confirmation of a new administration, appointed under circumstances which may tend to conciliate the minds of his faithful Commons, and give energy and stability to his Majesty's councils.

"That as his Majesty's faithful Commons, upon the maturest deliberation, cannot but consider the continuance of the present ministers as an unsurmountable obstacle to his Majesty's most gracious purpose to comply with their wishes in the formation of such an administration as his Majesty, in concurrence with the unanimous resolution of this House, seems to think requisite in the present exigencies of the country; they feel themselves bound to remain firm in the wish expressed to his Majesty in their late humble Address; and do therefore find themselves obliged again to beseech his Majesty, that he would be graciously pleased to lay the foundation of a strong and stable government, by the previous removal of his present ministers."

The Earl of *Surrey* seconded the motion.

Mr. *Hamilton* defended the principles and conduct of administration. He was surprised that some gentlemen should endeavour to thwart every measure which was brought forward for the public good. Why were they to insist on the dismission of men who were actuated on the noblest of all principles? They had accepted of the direction of the affairs of the nation, merely to save the liberties of the subject, which were threatened by the violent attacks of a dangerous party, whose principles were hostile to the constitution. Gentlemen had asserted, that the continuance of the present administration in

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power was contrary to the sense of the nation: but in this he could not agree, as the people at large had declared, that they approved of their motives for remaining at the helm of affairs. He thought it extremely hard, that one branch of the legislature should invade the privileges of another, which at present was too evident to require illustration. The right hon. gentleman (Mr. Fox) and his adherents, intended to annihilate the prerogative of the crown. It was the prerogative of his Majesty to choose his own ministers; yet they boldly affirmed, that this prerogative was vested in the House of Commons, and that the House alone were the proper judges of what servants were fittest for the direction of state affairs. The people approved of the present administration, yet the virtuous opposition were of a different opinion, and therefore his Majesty must rather listen to their remonstrances, than the approbation of his people. These political maxims were no less new than extraordinary; and his Majesty must yield implicitly to the advice of men, whose united measures gave just cause of alarm to the whole nation; and consequently called aloud for their dismission, because, had they continued longer in that situation, they would have done a deed which would have defied the exercise of parliamentary prerogative. They were taking every measure which could possibly be devised, in order to inflame, rather than to abate the fury of political cabal, and were therefore determined to disturb the peace and tranquillity of the people. It was not by such unprecedented addresses that they could reconcile the minds of the people; for the candid part of the nation plainly saw through the delusion, and were convinced, that on the part of the late administration, it was a violent struggle for power, and that on the part of the present, it was a defence of the rights of their fellow-subjects. Gentlemen on the opposite side, surely could not expect that they could enforce a change of administration by addressing the throne in such a new and extraordinary manner. It was unprecedented and unwise to encroach on the unbounded prerogative of his Majesty in the appointment of his own servants; it was unwise to take violent measures, as it militated against a union of parties, which could alone operate to the formation of a firm, extended, and united administration; and therefore he was justified in saying, that a violation of the laws of humanity, by letting loose an abandoned set of ruffians [Here he was called to order] to disturb the peace of mankind, could not tend to conciliate the minds of men, many of whom had just reasons for suspecting the principles of people of a certain description. He condemned the motives for the present Address, and hoped that gentlemen would seriously consider, whether they would prefer a limited monarchy and a good king, to a dangerous democracy or a tyrannical republic.

Sir *Horace Mann* said, that that part of the King's answer which stated, that no specific charge had been made against ministers, he considered as unsatisfactory and weak; for he thought with Mr. Fox, that the want of confidence in the minister was sufficient ground for removal, without any specific charge of criminality. He then stated, that on his going up to St. James's, he there met the present lord mayor of London, who was one of his constituents, with several others who had come up to present an address. On seeing them, he was surprised, not having been consulted on the business; but said to them, "I am among my friends." To which they answered, "We were your friends once, but you have joined with those who have set up a lord protector." This circumstance was a strong presumptive proof of the unfair means which had been adopted to procure addresses to the throne. He entered into a vindication of the independent gentlemen who supported Mr. Fox, and imputed the existing differences to the ambition of one man, who had, before he was in office, declared he would never accept a subordinate situation; and who, when in public office, had taken the lead and overleaped all bounds. The question was upon a contest between prerogative and privilege, and if the final result should be that ministers were continued in office, there was, in his opinion, an end of every vital principle of the constitution.

Mr. *Wilberforce* defended the present administration, and was averse to the Address, as it was not founded in truth or justice. With regard to the meeting at the St. Alban's tavern, it certainly had been undertaken from the finest of all motives, a desire to bring about a union. There had been two resolutions come to; the one, that a firm, extended, and united administration was necessary, which was unanimously agreed to; but the other, relative to the motives of the present admi-

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nistration remaining in power, had not been so cordially agreed to, because it was not the sense of many gentlemen that their continuance in power was an obstacle to a union. There were no specific charges against the present administration, and therefore they had the confidence of every well-wisher to his country, as they had accepted the direction of national affairs for the most laudable intentions. They were resolved to sacrifice every thing for the good of their country; and that they had the confidence of the people, although they wanted the support of that House, was as plain as possibly could be expressed by the addresses of the people, which daily flowed in from all quarters of the kingdom. The interest of the people, and the interest of the House of Commons did not on every occasion correspond. When a person headed a strong party, such as a political party in the House of Commons, there were now and then great hopes of success; but frequently the success of a party in that House was inimical to the interests of the people. He could not admire the conduct of the opposition in protracting the business of the nation. He was afraid they meant to withhold supplies, till such time as there was a change of administration. If this was their intention, they should act like men, and at once boldly declare their sentiments. They should speak out, when the times called aloud for candour, and when dissimulation might be the means of overturning our constitution. The influence of the crown had been much spoken of, and the exercise of its prerogative had been deeply inquired into; but for his part he saw no great danger that was likely to arise from its present power. He had some time ago considered it as a political axiom, that if the constitution of the country was ever endangered, it would be by the proceedings of the House of Commons, and would originate there. For that purpose, he thought it a wise and prudent maxim to watch narrowly the privileges of the House of Commons, as well as the prerogative of the crown, because the constitution would be endangered, if either were suffered to go beyond the bounds allotted by our ancestors. The gentleman who had made the allusion to a lord protector, desired that the House would look on those gentlemen who surrounded the right hon. gentleman (Mr. Fox) and then say that he was not supported by men of integrity, and men of principle; but without making any particular exception, he begged leave to differ from the right hon. gentleman, as he was surrounded by several who would not get into power were it not for the protection and patronage of the right hon. gentleman. He admired the wonderful talents of the right hon. gentleman, and he thought that the House should at all times address his Majesty for the removal of a ministry, whose measures were ruinous to the constitution; but this was not the case; yet he confessed that he would listen to the motion if it came from persons who were not struggling for power, and wishing to get into office. He had formerly acted with the right hon. gentleman opposite, whose abilities he, as well as every other gentleman of discernment, must always admire; but then he was regulated by the most laudable principles. He had acted with him then, when he exerted himself in reducing the influence of the crown, and in abolishing places and pensions; therefore it would not surely be adduced as an argument, that he was inimical to the liberties of the subjects, because he now supported his right hon. friend (Mr. Pitt), who was thought to be an advocate for the crown, in opposition to the House of Commons. But, notwithstanding his attachment to his right hon. friend, he had not as yet changed his sentiments, and he hoped he never should, as he believed the right hon. gentleman's conduct was directed by the highest regard for the constitution. He did not believe he was so ambitious as the gentleman who had preceded him had represented; for he was certain that his right hon. friend would yield to the dictates of reason, and listen implicitly to the voice of the people; therefore he was not averse to a union; but it must be a union on honour and on principle. With regard to his right hon. friend still continuing in power, he begged leave to give it as his opinion, that his conduct was dictated by a laudable ambition, which he would always be proud to cherish, as it tended to the salvation of the country. It was true that his right hon. friend still continued in power, and that he dared to oppose the evil machinations of a violent faction; but it should likewise be remembered, that his interposition had saved the charters of the land, and that therefore he deserved the support of the people. The destruction of the constitution, he believed, must ori-

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ginate in that House. The constitution might be undone by a corrupt majority of the House of Commons; or it might likewise be undone by a violent exertion of the influence of the crown; but the latter he did not at present apprehend, whatever gentlemen might insinuate to the contrary. The system of opposition evidently tended to establish the unlimited influence of a dangerous faction, which would militate against a just exercise of the prerogative of the crown, and therefore the continuance of his right hon. friend in power must be a circumstance of joy to every patriot. The establishment of a faction, especially such a faction as the right hon. gentleman (Mr. Fox) headed, would tend to annihilate the prerogative of the crown, and to subvert the pillars of our liberty; and therefore it ought to be resisted with a manly virtue. If gentlemen hesitated, or stood aside, not dreading the consequence, there would be an end to our national glory, and our sacred constitution; the very essence of our liberty and happiness would receive a mortal stab. Was not one tyrant better than many tyrants? He hoped gentlemen would seriously consider the effects that must result from timidity or inattention; for he trembled if they were remiss in their duty to their constituents, or yielded to despotism and corruption, by preferring oligarchy and faction, as a wise and salutary government.

Mr. *Martin* supported administration strenuously. He said he had the highest opinion of the virtues of Mr. Pitt, and till his measures could be proved to be of a ruinous nature, he looked upon it as his duty to support him, whatever malice or calumny might say to the contrary. He detested the factious junto who opposed him, and so must every friend to his country, when he considered that they had sacrificed every principle of honour to form a coalition which threatened the ruin of the empire; and therefore he would not be surprised if the noble lord (North) had been hissed in the presence-chamber as well as in the anti-chamber.

Sir *William Lemon* justified the proceedings of the St. Alban's tavern, by saying that they had neither censured nor praised any party. With respect to the motion, he was averse to it; and declared it as his opinion, that Mr. Pitt was ready to treat for a union on fair and equitable terms.

Sir *William Dolben* agreed with the Address, so far as it went to express the confidence in the wisdom and goodness of majesty. Such sentiments of gratitude and loyalty were on all occasions becoming the House, and should ever have his concurrence. He could not, however, go along with it in those passages which contained a lamentation on account of the sovereign's refusing to gratify what was stated to be the wish of the House. He considered the present Address as putting that union which was so ardently desired, at a distance, and vesting the House with an unconstitutional power which did not belong to it. The House of Commons had surely a right to advise his Majesty in the exercise of his prerogatives, but it had no title to put a negative on them; and was not this the very power which it wished at present to usurp? If the House, for reasons frivolous or capricious, were to pass censure, or negative the exertions of prerogative in the choice of ministers *toties quoties*, the power of appointment must immediately and virtually devolve to that House from the crown. Had not a similar mode of reasoning been adopted by the opposite side of the House during the debate on the India Bill which had lately been thrown out? Was it not on that occasion alleged, that if the crown had a negative on the appointments of the court of directors, if it was authorized to reject them *toties quoties*, the power of election would not rest in the Company, but be transferred to the crown? And might not the same mode of reasoning be applied to the case in question? He thought in justice it might. He stated the case of secret influence, so much insisted on. He affirmed, that the influence which had been employed had been exercised for the best purposes. It had served the best purposes in the view of a constitutional government, and enabled men, in the discharge of their duty, to steal the false die from the pockets of ministry. The late administration had held the bank for some time, but had unfortunately now lost that false die on which all their credit and all their profits depended. The doctrines of passive obedience and non-resistance, of divine, indefeasible right, had been long reprobated. He hoped there was no person now so hardy as to maintain them in all their dangerous latitudes. But there was surely a difference between these political absurdities and the assertions of prerogative, which were this day called in question, and which it was the duty of every

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Englishman to support. He alleged that the right hon. mover had flattered the gentlemen who composed the meeting at the St. Alban's tavern, and had cajoled them into a coincidence of sentiment and of view with himself, and on this foundation had built all his *naivetés*. It was in this way that he had led them into error, and by the resolutions which had passed in the House, and in particular the first of them, had brought them into a *cul de sac*, out of which there was no passage. He bestowed a high encomium on lord North; he had long concurred with him in sentiment, and hoped soon to have that honour again, as he had the highest opinion of his integrity and political ability.

General *Conway* did not wish to go into a repetition of argument on the question, but could not allow what had fallen from the last speaker to pass without stricture. He said it had been alleged that the House had no right to advise the sovereign in the exercise of his prerogative. This advice had been considered as a daring infringement on the rights of the sovereign. He could not hear such doctrines advanced without reprobating them. These maxims had never been broached by the rankest Tories in this country, nor had they been maintained in an arbitrary reign by the most zealous anti-exclusionists. He affirmed, that if there was any balance of power in the government of this country, it rested in parliament: the constitution, if it existed any where separately, existed there. An hon. gentleman (Mr. Wilberforce) had, in stating that the constitution could never be lost but by a corrupt House of Commons, stated a thing that he had no precedent for; the whole history of England furnishing only one instance, and that in 1641, where a House of Commons was an enemy to the constitution. He wished for union, and would make every honourable sacrifice to it, as it was undoubtedly connected with the public peace.

Mr. *Pitt* declared, that he wished to avoid, as much as possible, all those repetitions of argument which had become so frequent, and had mingled themselves of late so much in the progress of debate. He wished to confine himself to what he considered the point in question, and to deliver his sentiments on this subject with as much conciseness as lay in his power, that those who speak might not be deprived of an opportunity of giving their opinions, and that those who hear might not be tired by a fatiguing and disagreeable reiteration of beaten themes and of hackneyed arguments. It had been insinuated by the hon. general, that he was averse to union. He could by no means admit this assertion. Had he not on many occasions given the strongest evidence of his predilection for the principle? Had he not expressed these attachments repeatedly in the course of his speaking on the subject? It was his wish to erect a strong government. It was his desire to contribute all in his power to the formation and support of so desirable a system. He was therefore ready to express his sentiments of reprobation against those who opposed union, as he considered this measure as necessarily connected with the interests and the happiness of the public. But whilst he emitted these strong and decided sentiments in favour of union, he by no means thought that this desirable object would be brought nearer by the Address under consideration, nor could at all be forwarded by the resignation of ministers. On this point he had already given his sentiments. Those sentiments he had seen no reason to alter.

He was equally struck at another assertion of the honourable general. It had been affirmed, that the words of one side of the House aimed at the annihilation of its privileges. Good God! how could such ideas be formed or entertained? Had he in any part of his conduct, or of his past procedure, manifested any peculiar predilection in favour of monarchy, or of the undue influence of the crown? Had he, during the progress of his parliamentary conduct, wished to encroach on, or to destroy, the privileges of parliament? The constitution and the rights of the House of Commons he had always been taught to venerate. He would therefore appeal to the candour of the House, to its recollection of his expressions on this subject, whether he had not, on all occasions, and under every description of circumstances, maintained its privileges and its dignity? His opinions, his partialities, and his views, favoured those ideas; and he must have been deluded to have acted in opposition to them.

But whilst he expressed his warmest sentiments for the honour and the dignity of the House of Commons, he felt himself under an obligation at the same time, to vindicate the doctrines of the hon. baronet so far as they respected the rights of the other branches of the legislature, so far

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as they regarded the just and constitutional prerogatives of the sovereign. These the constitution had defined with as much accuracy as it had done those of the House of Commons; and it was surely the duty of ministers, and of members of that House, equally to support the rights of both. No man was more zealous or more unreserved in admitting and asserting the right of the House to advise the sovereign in the exercise of all his prerogatives than he was: this had always been a sentiment which he had avowed: but that a declaration on the part of the House of their disapprobation of his Majesty's ministers should, *ipso facto*, in any given instance, bind and compel the sovereign to dismiss those ministers, or oblige them to resign, was a point which he never had admitted, and would never allow. Such a sentiment of disapprobation surely placed ministers in awkward and unpleasant situations; but that it should force them to retire, he would maintain, was an unconstitutional doctrine, hostile to the prerogative of the crown, and to that balance of power on which the excellency of our government depended. This was a point, therefore, which he was always ready to maintain, and from supporting which he hoped he would never be precluded by any false theories, or vague declamation, respecting the dignity of the House.

He alluded to the idea of a faction existing in the House, stated by his hon. friend (Mr. Wilberforce), and which he had asserted to be dangerous to the balance of the constitution. How far this was true, how far the conduct of the House of Commons, during its late procedure, justified this doctrine, and how far the Address under consideration confirmed its truth, ought to be weighed and ought to produce corresponding effects on the minds and votes of the members of the House. In deliberating, however, on this point, he would caution gentlemen not to be overawed by false alarms of an encroaching prerogative, by false fears of an extended monarchy, or to be decided by the ring and sound of dignity, so incessantly poured into the ear of the House on the present and past occasion. But though he was thus the opponent of all capricious decision on the appointment of ministers, he was as unfriendly to their continuance in office when disapproved of by the House of Commons on proper grounds, as by either branch of the legislature. On this account he called on the House to specify charges against administration, to prove those charges, and not capriciously to condemn an administration which had never as yet been found guilty, and had in fact, by an unaccountable obstinacy and untowardness of circumstances, been deprived of an opportunity of displaying its prudence and its zeal in the service of the public. When these accusations were proved, when these charges were substantiated, it would then be proper for ministers to resign; and if in such a case he should afterwards continue in office, he would suffer himself to be stigmatized as the champion of prerogative, and the unconstitutional supporter of the usurpations of the crown. But till this period arrived, he should reckon it his duty to adhere to the principles of the constitution, as delivered to us by our ancestors; to defend them against innovation and encroachment, and to maintain them with firmness.

Attempts have been made, said Mr. Pitt, to fix imputations of criminality on the present administration. Their sins have been stated; and one of the most glaring of them is, that the late ministry were dismissed against the sense of the House. But what is the meaning of this charge? To what conclusion does the argument, when followed up, lead? Does it not fairly admit of this comment, that it is improper for his Majesty to dismiss his ministers, provided they are approved of by the House of Commons; and that so long as they act agreeably to its sentiment, so long, and no longer are they to enjoy the patronage of the crown, and retain the offices of administration? Is this a decent treatment of the prerogative? Is this constitutional doctrine? Is it not degrading the dignity of the sovereign? Is it not a transference of the prerogatives of the crown to the House of Commons, and a placing the royal sceptre under the mace that lies upon the table? The constitution of this country is its glory; but in what a nice adjustment does its excellence consist! Equally free from the distractions of democracy, and the tyranny of monarchy, its happiness is to be found in its mixture of parts. It was this mixed government which the prudence of our ancestors devised, and which it will be our wisdom inviolably to support. They experienced all the vicissitudes and distractions of a republic. They felt all the vassalage and despotism of a simple monarchy. They abandoned both, and by blending each together, ex

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tracted a system which has been the envy and admiration of the world. It is this scheme of government which constitutes the pride of Englishmen, and which they can never relinquish but with their lives. This system, however, it is the intention of the present Address to defeat and destroy. It is the intention of this Address to arrogate a power which does not belong to the House of Commons—to place a negative on the exercise of the prerogative and to destroy the balance of power in the government as it was settled at the revolution.

It has been remarked by the right hon. mover, that no period of our history affords an example of ministers existing after an address, disapproving of them, from the House of Commons. But to obviate this observation, it may be proper to ask, whether the history of this country affords any instance in which a ministry have been called on to retire from office without a cause? This is a remark which merits attention, and to which it may not be improper to direct the notice of the right hon. gentleman at the present moment. On what grounds of plausibility, under what pretexts then are the supplies for the service of the public to be refused? Is it on account of the arbitrary decision of the House? Have they no confidence in the conduct of administration? I will even venture to ask the right hon. gentleman (Mr. Fox) whether he believes that these supplies, if granted, would be misapplied? He said the sentiments of the public were flattering to ministry. These the resolutions of the House had led his Majesty to attend to, and he would say the addresses which had been presented to the throne were unequivocally in favour of that administration which this House has disapproved. He expressed his approbation of the explicitness of the present Address: he hoped gentlemen would now speak out, and that they would bring their charges against ministers. He flattered himself the right hon. gentleman's manliness and candour would lead him to this, and that he would not any longer tear in pieces the character of ministers by distant but dark invective, or unsupported allegation. He cautioned the House against entertaining an idea that the present motion was calculated to promote union—it seemed rather intended to divide and drive parties at greater distance from each other. He insisted that a union, if established at all, must exist and be formed on honourable principles—without this, all coalition was farce, and could never be permanent. Union formed on different motives could never be of long continuance—they carried in them their very principles of division, "They hold the word of promise to the ear, and break it to the hope." He concluded with apologizing to the House for delaying them so long: thus much however he thought it necessary to say in support of the balance of the constitution, the prerogatives of the King, and the privileges of parliament.

Mr. *Dempster* stated what had occurred that day at the St. Alban's tavern, and wished that gentlemen would on both sides concede a little, and not suffer grammatical obstacles to stand in the way, when he trusted in God that all others were pretty well removed. The two gentlemen who had negociated this business deserved every thing from their country that gratitude could bestow; and he wished that they had yet four-and-twenty hours to try their efforts farther.

Mr. *Hopkins* spoke to the same effect. He thought Mr. Pitt had acted with becoming liberality, in conceding what he had done, and he wished that they would yet come to a conclusion.

Mr. *Fox* thought it necessary to explain the circumstances of the last negociation, and the reasons of their conduct. He said he was of opinion, that when the message came down to the duke of Portland, intimating his Majesty's wishes that he should have a personal interview with Mr. Pitt, to form a new Administration on a wide basis, and on 'fair and equal' terms, there was no probability that any serious and cordial union should be formed from an interview grounded on such terms; but the duke of Portland thought that the terms of the message might be construed in a manner which might warrant them in agreeing to a conference. The word 'fair,' no one could object to; it was a general term, and the parties might discuss and determine on what they conceived to be mutually fair in settling the several arrangements. That as to the word 'equal', to which he in particular objected, his grace thought it might be meant in its more general unlimited sense of equitable, and in that sense there could be no objection to it. On this account the duke returned an answer, requesting that Mr. Pitt would explain the word 'equal,' but Mr. Pitt declared in so many words, that he did not think any farther preliminary

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explanation necessary. Here the matter broke off, for it was impossible that his grace could meet Mr. Pitt on terms which he refused to explain. The resolution of the St. Alban's meeting was not directed against either party; it was fairly impartial in its purport, and censured the one side for not explaining, as well as the other for not conceding.

Mr. *Pitt* explained his conduct in regard to the negociation. He had always declared, he said, that he would never consent either to an actual or virtual resignation for the purpose of negociating. The message which his Majesty sent to the duke of Portland was in every respect clear and unequivocal. When desired to explain what was meant by 'equal,' he had said that it would be best explained in a personal conference. His reason for this answer, and for not agreeing to take this word out of the message, and to let the term 'fair' stand by itself, was, that by so doing it was an implication that they came to an interview to negociate a new administration, admitting the duke of Portland's position, that inequality was the basis of fairness.

Mr. *Fox* said, the objection of the duke carried no such inference. Substitute the word 'equitable' in the room of 'equal,' or explain what you mean by your own term, and the difficulty is removed.

Mr. *Marsham* said, he trusted that gentlemen would yet put an end to their grammatical objections and verbal delicacies, and that a union might yet be obtained.

Mr. *Hopkins* said, that in this hope, and to prevent farther inflammation, he would move the previous question.

Mr. *Powys* thought that unless there was any farther negociation pending between the two right hon. gentlemen, the motion for the Address should be put, since the character of the House was involved in it.

Mr. *Pitt* said, that no other negociation was pending; and as the question for the Address was moved, he thought it better that the sense of the House should be taken upon it.

The previous question was withdrawn, and the House divided on the Address,

	Tellers.	
Yeas.	Lord Maitland Mr. Byng	201
Noes.	The Secretary at War Mr. Robert Smith.	189

Majority for the Address 12.

It was then resolved, that the said Address be presented to his Majesty by the whole House.

Office of Constable of the Tower.] March 3. Lord *Maitland* moved, That the commission of Lord Cornwallis appointing him constable of the Tower be read. He then observed, that it having been reported in every part of the capital, that the noble lord who lately held the office of constable of the Tower, resigned it on the supposition that it was a civil and not a military employment, and that the noble lord who accepted it, had been for some time doubtful whether he could take it without vacating his seat, it was not at all surprising that he (lord Maitland) should think it a subject highly proper to be brought before parliament: for if there ever was a question that called for a determination of the House, it was the present. From the commission that had been read, it appeared that the salary of the constable of the Tower was payable at the Exchequer; and consequently that it was a civil employment, because no military officer is paid there. Here his lordship was interrupted by

Mr. *Steele*, who said that there was an error in the commission that had been read, and in all the preceding commissions of constable of the Tower, for eighty years past, which had been lately discovered, but which would be guarded against in the framing of the commission of lord George Lennox. The error was this; it appeared that the salary was made payable at the Exchequer; whereas in fact it was provided for, and voted annually by parliament, in the provision that was made for guards and garrisons; and was never paid at the Exchequer. He admitted, that if it was paid at the Exchequer, it might be, that the office was civil, not military; but in truth it never was, and the error that had crept into former commissions, should not find its way into that which was to be made out for lord George Lennox: for as the employment was entirely military, and the salary was voted in the army estimates every year, care should be taken that it should not in future, by mistake, be made payable at the Exchequer.

Lord *Maitland* said, the conduct of the gentlemen on the other side of the House was extraordinary. When he first moved for a copy of lord George Lennox's commission, he was told that it was not yet

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made out; but that the commission of the late constable of the Tower would do as well; and now when he was about to argue upon that commission, he was told that lord George's was to be *toto cœlo* different. It was impossible, therefore, for him to proceed, until he should have before him the latter commission.

This brought on a conversation, in which lord Maitland, colonel North, Mr. Anstruther, lord John Cavendish, general Conway, lord Surrey, Mr. Selthorpe, Mr. Adam, and general Ross contended, that the appendages belonging to the office of constable of the Tower, such as receiving fees for goods shipped or landed at Iron-gate-stairs, money for bonfires, punch on the King's birth-day, for marking the boundaries of the Tower Hamlets, for receiving and discharging prisoners, for rent of houses in which warders, commonly called beef-eaters, lived, &c. made it a civil employment; they likewise wished to know by what authority the governor of the Tower, as a military man, could receive or detain persons of either House of Parliament committed to him as prisoners.

Mr. Pitt, Mr. Jenkinson, Mr. Arden, Mr. Kenyon, Mr. Steele, Mr. Macdonald, captain James Luttrell, and capt. Berkeley contended, that the appointment was a military employment; and quoted from the Journals a precedent in the year 1773, which said, that "appointments of governors to garrisons, provided they were military men, should not vacate their seats;" and likewise insisted, that as the commission of lord George Lennox would clearly express the pay to be from the war office, and not from the civil list, the place by no means could be reckoned a civil employment. With respect to the fees for landing goods at Iron-gate, the sum annually was 21*l.* which went towards keeping the stairs in repair; that of money for bonfires, punch, pipes, &c. on the King's birth-day, was 20*l.* annually; and the fees of office to get it, amounted to the enormous sum of 19*l.* 18*s.* therefore neither of those fees were great perquisites. As to the fees for receiving and detaining prisoners, they were things of course, and the wardens-houses were generally given to the wardens rent free, though to be sure it was optional in the governor. As to the right of the governor to receive and detain prisoners, Mr. Kenyon explained, that it belonged to him by prescription, the same as it did to the governor of Chester castle, who, contrary to what was customary in most counties, was master of the gaol.

Colonel *North* remarked how fortunate it was that a mistake which had been suffered for 80 years should happen to be discovered at this particular period. In correcting the present commission he did not doubt but various other errors would be rectified, such as inserting at the end of the commission the words, "subject to military discipline and military law," which words, by mere accident he supposed, had been hitherto omitted. He concluded with moving "that a copy of the commission appointing lord George Lennox constable of the Tower, be laid before the House."

Mr. *Anstruther* seconded the motion. He said that as to the error which had been mentioned, it had not much weight with him; for the very allegation of error supposed that the keepers of the great seal of this country did not know what they were about these 80 years past, by putting the seal to commissions making salaries payable at the Exchequer, which were in fact payable at the pay-office. He cared not where the salary was said to be payable, but he would ask if any man would deny, that under the former commissions, the constables of the Tower had not a right to call for their salary out of the civil list. As to the new commission that was making out, he was indifferent about the wording of it, as the wording could not alter the nature of the place.

Mr. *Pitt* was of opinion, that the House might proceed to debate the right of the present constable of the Tower to his seat, without having his commission on the table; for as the House had assurances that it would be the same in every respect as that which was then upon the table, except that the salary would be no longer made payable at the Exchequer, of course the production of that commission could not give greater information than was already before the House. He would therefore recommend the hon. gentleman to withdraw his motion, and for one of the best reasons in the world, because a paper that was not yet in existence could not be produced.

The motion was accordingly withdrawn.

Lord *Maitland* declared he would push the matter no farther till he could have a copy of the commission of lord George Lennox.

Mr. *Steele* said, it was highly necessary

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that the matter should be brought to a decision one way or another, and the county of Sussex be no longer left without a representative; if therefore the noble lord and his friends would not make any motion upon the subject, he would move, "That the acceptance of the office of constable of the Tower of London, by lord George Henry Lennox, being an officer of the army, does vacate his seat as a member of this House." He proposed this question, with a design to negative it.

The question was at length negatived without a division.

The King's Answer to the Commons' Address for the Removal of Ministers.] March 4. The House went up to St. James's with their Address. On their return the Speaker read the King's Answer as follows:

"Gentlemen;

"I have already expressed to you how sensible I am of the advantages to be derived from such an administration as was pointed out in your unanimous resolution; and I assured you that I was desirous of taking every step most conducive to such an object:

"I remain in the same sentiments; but I continue equally convinced, that it is an object not likely to be obtained by the dismission of my present ministers. I must repeat, that no charge or complaint, or any specific objection, is yet made against any of them. If there were any such ground for their removal at present, it ought to be equally a reason for not admitting them as part of that extended and united administration which you state to be requisite.

"I did not consider the failure of my recent endeavours as a final bar to the accomplishment of the purpose which I had in view, if it could have been obtained on those principles of fairness and equality, without which it can neither be honourable to those who are concerned, nor lay the foundation of such a strong and stable government as may be of lasting advantage to the country; but I know of no farther steps which I can take, that are likely to remove the difficulties which obstruct that desirable end.

"I have never called in question the right of my faithful Commons to offer me their advice, upon every proper occasion, touching the exercise of any branch of my prerogative. I shall be ready at all times to exercise it, and give it the most attentive consideration: they will ever find me disposed to shew my regard to the true principles of the constitution, and to take such measures as may best conduce to the prosperity of my kingdom."

Mr. *Fox* moved, "That his Majesty's Answer be taken into consideration on Monday;" which was agreed to.

The order of the day was then called for from the Treasury-bench, for going into a committee on the Report of the account of the finances of the East India Company, presented by the court of directors; and Mr. Eden, who had caused the order to be made a few days ago, moved that it be read.

Mr. *Welbore Ellis* said, the House seemed to him to have laid it down as a rule, not to go into any public business whatever until questions that immediately concerned their privilege and dignity were first disposed of. Upon this principle he moved, that the order of the day be adjourned to Monday.

Mr. *Fox* seconded the motion, saying, that he did it not with any view to delay public business, or to withhold any supply; and he intended that his conduct should prove the sincerity of his professions. But surely when a matter of such moment as the King's Answer was to be discussed, and to be followed up with some measure that ought to be final, he thought that twice twenty-four hours could not be thought too long a time for deliberation.

Mr. *Pitt* said, the right hon. gentleman wished not to be thought desirous to stop the supplies; but when he proceeded to delay, from day to day, it was very natural for people to think that he meant to refuse. He did not think, that, after the manner in which the pitiful trick of adjournment last week had been treated, another would have been made this day to delay the public business, by another adjournment. The Mutiny Bill stood for to-morrow; he hoped that when gentlemen considered how very soon the Mutiny Act was to expire, they would not think it expedient to put off the consideration of that Bill any longer. If gentlemen should think proper to adjourn to Monday, the House was surely too thin to discuss that question; all therefore that they ought in reason to expect was, that the House should now adjourn till to-morrow; and then in full House it might be determined whether all business should be postponed to Monday.

Mr. *Fox* said, that it was now only the

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4th of March, and the Mutiny Act would expire on the 25th; there was nothing therefore that was very pressing on that head; for if it should be sent to a committee on the 9th of March, it could be sent time enough to the Lords for them to pass it before the expiration of the present Mutiny Act; it might indeed be necessary to make the new one shorter in its duration; and he hoped that this one privilege was still left to the Commons, that the Mutiny Bill, providing quarters for the army, and consequently imposing burthens on their constituents, could not be altered by the Lords, after it should have been sent up to them by the Commons. With respect to the delay of public business, he thought the charge came with a very bad grace from the right hon. gentleman. Seven weeks had passed since the meeting after the recess, and six weeks, wanting a day, since the only measure proposed by the right hon. member was rejected. In the whole course of that time he could lay at the door of opposition a delay of only four days, namely, the adjournment from Wednesday last to Monday last. For his part, he approved of that adjournment, and also of that which was this day proposed; however, in order to take away even a handle for misrepresentation, he would agree to meet to-morrow, provided it were understood that the first question to be discussed should be, whether the House should adjourn to Monday, or proceed then to business.

Mr. *Pitt* expressed with a nod his approbation of the proposal.

Debate on Postponing the Consideration of the Mutiny Bill.] March 5. The Secretary at War moved the order of the day for going into a Committee on the Mutiny Bill.

Mr. *Fox* upon this immediately rose. He said, that as the House had made to itself a rule to make every other business give way to the consideration of his Majesty's Answer, when they were closely connected with the privileges of the Commons, it would not be decent either towards his Majesty or the House, to proceed on this day to send the Mutiny Bill to a committee; and indeed, when he considered the nature of the Bill, he found it to be one of the almost innumerable acts which were done every session on a principle of confidence; and therefore until the House should have taken some step to fill up and consummate the measures which had lately been adopted, he did not think proper that so very important a Bill as was that for punishing mutiny and desertion, should be debated. Of all the acts by which confidence in a minister could be expressed, perhaps the passing of a Mutiny Bill was the most striking: it was entrusting to the direction of a minister a standing army, of which this constitution was so justly jealous. How, then, could a minister, in whom the House had already declared it could place no confidence, expect that at the moment, and without any previous deliberation, the House would bestow upon him the very strongest mark of confidence? He begged, however, not to be understood to insinuate in the most distant degree, that a mutiny bill ought not to pass; he was sure there was not a man in the House who had the most remote idea of opposing it; a mutiny bill was unquestionably necessary, and the House could not avoid pasing it; for a standing army, however contrary to the genius of this constitution, was now become an excrescence that could not be removed: but though a mutiny bill must of necessity pass, it by no means followed that it must be in point of duration equal to all those mutiny acts that had preceded it; a bill for a month or six weeks would keep the army together, without calling upon the House to surrender a right so very necessary at this moment for the preservation of its privileges. The delay from this to Monday or Tuesday, could be attended with no dangerous consequences. The present Act would not expire before the 25th, and consequently there would be full time for sending it to the Lords. It was to be hoped the Lords would not attempt to make any alteration in a bill, which was to all intents and purposes a money bill. He begged leave to observe, that as the House had last year passed two or three short Mutiny Bills, so one of them was moved as late as the 14th of March, though it was to replace an act that was to expire on the 25th; and no one expressed then an apprehension, that being moved so late, it could not be passed in so short a time as was necessary. He then moved, "That the order of the day for going into the consideration of the Mutiny Bill, be adjourned to Monday."

The *Secretary at War* thought the Bill ought not to be considered merely as a matter of confidence in administration. It might more truly be reduced to this simple question, Was the army to be kept

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together, or to be disbanded? Or, in other words, was the safety of the country to give way to the gratification of a party?

Mr. *Joliffe* said, this was not the proper stage for discussing whether it was a question of confidence or not; all that was at present for the consideration of the House was, whether any business should be brought forward, until his Majesty's Answer should have been made the subject of discussion.

Mr. *Drake* began *ex abrupto*, "This, Mr. Speaker, is another picture of that abominable system of procrastination. The Roman patriots, Sir, used to promote the welfare of their country, but the patriots of this day endeavour to oppose it." Here Mr. Drake's memory failed him, and he was obliged to sit down.

Earl *Nugent* opposed the motion. He desired that gentlemen would recollect that, though the Lords did not in general venture to alter money bills, still they claimed it as a right which they had never surrendered. What, then, would be the consequence if they should take it into their heads to exercise this supposed right; if the Commons should do so unusual a thing as to send up a Mutiny Bill for one month, instead of twelve months? If the bill should be sent up so late, that in case of alteration by the Lords, there should not be time to pass another before the present Mutiny Act should expire? He entreated gentlemen to ponder well upon the matter, before they proceeded to measures that might be productive of the most fatal consequences.

Sir *Adam Ferguson* said, he could not reconcile with consistency the argument he had heard in support of the motion. A right hon. member said it was decent, with respect to the crown, that his Majesty's Answer should be taken into consideration before any other business: but the House could not have forgotten how little the decency or respect due to the crown weighed with the right hon. member some time ago, when the Chancellor of the Exchequer, the first day he took his seat, after his appointment, begged he might be permitted to deliver to the House a message from his Majesty, on a subject which could not create any debate or delay; and yet the right hon. member would not give way, or suffer the message to be delivered till the morning, after a long debate had taken place on another subject. It had been said some time ago, that delay of public business had been occasioned, to the very great detriment of the nation: he admitted the fact; but at whose door did the blame lie? Surely at the door of those who day after day moved to postpone and procrastinate business. With respect to the Mutiny Act, he was not without an opinion, that though it should be suffered to expire, still the King might keep the army together, for the House had already voted the men, and it had also voted the money to pay them: there wanted, therefore, nothing more than the consent of the Lords to be obtained, and then the crown might have an army in the country, with the consent of parliament.

Mr. *Eden* was greatly surprised to hear such a doctrine from a gentleman of eminence at the bar, and consequently from whom he might have expected to have heard doctrines much more consonant to the genius and spirit of this constitution. Did not the hon. baronet know that the army could not be kept together without discipline? And that military discipline could not be enforced without a Mutiny Act, because nothing short of an express law could deprive a soldier of the right of a subject—a trial by a jury of his peers. If the doctrines of the hon. baronet had surprised him, he had reason also to be surprised at the charge brought by him against opposition, of delaying public business. Twelve weeks had nearly elapsed since the Chancellor of the Exchequer had been appointed to his office; and yet during all that time, he had taken a part in only two measures of a public nature; one of which he himself proposed, the second India Bill; the other, the Bill for enforcing the Receipt-tax. What other matter of business had he brought forward or proposed to the House? Not one; and consequently the delay of public business could not with a shadow of justice be charged to the account of the majority of the House. The supply, indeed, of the ordnance had been delayed for forty-eight hours; but it was afterwards voted without opposition. The navy estimates had been put off by the minister himself for forty-eight hours; and therefore it was matter of astonishment how any member could lay the delay of public business at the door of opposition. Why had not the minister brought forward his measures for restoring public credit? Why had he not proposed the means for providing for the unfunded debt and navy, and other bills,

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amounting to thirty millions? Had he done all this, and found himself thwarted and opposed, and his measures defeated, then he might complain of delay occasioned by opposition; but to charge it with delay at present, was to charge it with his own faults.

Mr. *Pitt* replied, that it was pretty singular to find that gentlemen were day after day putting off the business of the nation, and yet were apprehensive that this putting off might be construed to mean delay. The public surely could not hesitate to say that the delay rested with those who daily voted for putting business off, and who endeavoured to avail themselves of the advantages that might derive to their party from procrastination, and at the same time to deprecate the natural imputation of delay. He was asked, why he had not brought forward public business? his answer was, that in the present situation of affairs, when there was a majority against him, it would be in vain for him to do it. [Here there was a tremendous shout of Hear! hear! from the opposition side of the House, which meant that under such circumstances, being totally unable to carry on the business of the nation, he ought to resign.] With respect to a short Mutiny Bill, he would not at this moment enter into that question, which was not then regularly before the House; but he could not help observing, that if a short Bill should be sent up to the Lords, it would not appear very surprising to him, if the Lords should alter it so far as to bring it back to the standard of former Mutiny Bills. If, then, such an alteration should be made by the Lords, and the Bill so altered should be returned to the Commons, what would be the consequence if the latter, adhering to their order and the practice of their proceedings, should reject such a Bill? If such an event was to take place long before the expiration of the present Mutiny Act, the consequences might not be dangerous: but at present there was scarcely a day to be lost. But he would not for a moment suppose that the House would pass a short Mutiny Bill; he did not believe they would; nay, he would almost venture to go so far as to say they would not. He was for going into the Bill this day, because there was not a moment to be lost. If the adjournment should take place, he was sure that the consideration of the Mutiny Bill could not possibly come on till Tuesday; and as the consideration of the account from the India-house stood for that day, possibly it might not come on till Wednesday. Surely, then, the House did not wish to run the Bill to a day, and to risk the consequences that must necessarily follow, if it should by any misfortune happen to miscarry. In order, therefore, to avert these consequences as far as in him lay, he would oppose the motion for adjourning the committee.

Lord *North* said, it would not be an easy matter to convict either side of the House of being the cause of the delay. The majority could not be charged with it, because no public business had been brought forward that had been opposed by them, except the minister's India Bill, which had been so properly rejected. For the delay of the supply on the ordnance estimates could not be interpreted to mean a determination to stop it, for the purpose of throwing impediments in the way of public business; the event proved the reverse; for as soon as a measure was taken which an Answer from the crown had appeared to the House to call for, that ordnance supply was immediately voted; the delay was only forty-eight hours, and there was nothing pressing in the nature of that supply, which afforded ground for apprehension of the most distant idea of danger from a short delay. As to the navy estimates, the right hon. gentleman himself had put them off once; and when the House was ready with one voice to vote them, he brought forward only a part of them, namely, the ordinary of the navy, but kept back the extraordinaries, when the House would have voted the whole without a single negative. To whom, then, was the delay imputable in the important business of supply? Surely not to the majority, who waited only forty-eight hours until a previous step should have been taken, and then voted the ordnance, but to the Chancellor of the Exchequer, who put off the supply for forty-eight hours, without assigning any reason, and who afterwards withheld a much greater part of the navy supply than he brought forward, which remained to this moment unvoted, though the majority would have voted it with cheerfulness, and had called twice for it, though hitherto in vain. With respect to the delay of the great measures of finance and other important business, it rested entirely with the right hon. gentleman, because he had not so much as attempted to bring

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forward any part of it. But this delay he would not impute to him as matter of blame, because standing in a situation the like of which no former minister had ever experienced, standing with a majority not for him, but against him, it was not at all surprising that he should not be very forward to bring on public business, when he knew that he had not weight enough in the House to carry through the business that he might have to propose. For these reasons he would excuse both sides of the House of intentional delay; the one, because they had not delayed business; the other, because they knew they were not in a situation to do any thing, except one, which it was their duty and in their power to do, to retire from situations which they knew they could not fill with advantage to the public. With respect to the motion then before the House, he was not at all surprised that it was opposed by the right hon. gentleman; for when he could not break the majority that was against him, it was natural enough that he should endeavour to degrade it, by making it adopt a manner of acting totally irreconcileable with consistency. The House had already laid it down twice as a rule, not to proceed to any other business of importance until the King's Answer, which so materially affected the privileges of the House, had been previously taken into consideration. Had any reason been assigned, which ought to have such weight with the House as to induce it to depart, in the present case, from a rule already laid down in the two preceding cases, perfectly similar in their nature? None, certainly, that he could see; for as to what he had heard about the Mutiny Bill, it had very little weight with him. In the first place, he did not hesitate to say, that under all the present circumstances, the House ought not to consent to any other than a short Mutiny Bill; and he pledged himself to second any man who should move for it: this being premised, and supposing that the House would adopt the proposition, then, if it should be rejected by the Lords, merely because it was a short Bill, and the Commons would pass no other, it was a matter of the utmost indifference whether it was sent up to the Lords this day or ten days hence. But he could not with patience hear it even insinuated that the Lords would attempt to alter a money bill; for in that case he would go so far as to say, that he would much sooner suffer the Mutiny Act to expire, than suffer the Lords to alter a money bill, and consent that the Commons should afterwards agree to it. If that day should ever come, then not only this, but every future House of Commons, would be a mere cypher; for what gave the Commons their greatest weight was, that they had the exclusive right of originating money bills; which money bills must afterwards be assented to *in toto* by the King and Lords, or rejected *in toto*; for if the Lords were once allowed to alter the bills, and tax the subject beyond that degree marked out by the Commons, then the latter could no longer be said to hold the public purse; at best it would then be a *divisum imperium*. He did not mean to speak of an alteration in its most circumscribed sense; but he meant an alteration in the quantum of money voted, or in the term for which it was to last. Therefore he would say, without any reserve, that if the Commons should pass the Mutiny Bill for one month, and the Lords should extend it to twelve months, sooner than suffer such an encroachment upon the privileges of the Commons, which would be the forerunner of this degradation, he would let the Mutiny Bill expire; because it were better that the army should be disbanded than that the constitution of this country should be overturned. He desired, however, that he might not be understood to have the least idea of suffering the Mutiny Act to expire. He was sure that there was not a man in the House who entertained it. He himself was seriously determined it should come on on Tuesday, at least he would vote for its being brought forward on that day; and though he was of opinion that a short Bill should pass, in order that the House might guard against a dissolution, he would assure the House that he did not mean to keep them sitting all the year, by means of short Mutiny Bills; he wished only that the House might have time to dispatch all the great business before them, and when that should have been done, he would not object to a long Mutiny Bill, and dissolution; and he was convinced, that by this manner of acting he should promote and not delay the consideration of public affairs. For if the House were not permitted to go through the business till May or June, it would be better for the country, and cause a greater dispatch of business, than if parliament should be dissolved in April, and a new one called in June, to sit all

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July and August. He could not sit down without making some remarks upon some new doctrines that he had this day heard laid down. It was said that the King might, by his prerogative, keep the army together, even after the Mutiny Act had expired. This was a discovery, which, if founded in law, might well make men tremble for their liberty. Did those who maintained such a doctrine recollect the very first clause in every Mutiny Act:—"Whereas a standing army in time of peace, without consent of parliament, is contrary to law?" Could prerogative exercise a power which had been declared by above one hundred acts of parliament to be illegal? He could not conceive where such a doctrine had been discovered. But, it might be said, the army had already been voted, and the King might keep it together by martial law. Were gentlemen in earnest in advancing this proposition? Did they not know that an army could not be kept together without discipline? and discipline must be maintained by the dread of punishment. But what punishment could be inflicted on a soldier but by law? How could any sentence affecting life or limb be carried into execution but by law? And when it was declared that a standing army, without consent of parliament, in time of peace, was contrary to law, how could it be said that there was a law for punishing soldiers for mutiny or desertion, if an army existed in defiance of parliament? But he would go farther, and say, that if even the King, in time of war, by martial law had assembled an army, he could not punish military offences but under the authority of a Mutiny Act; for nothing short of a positive act of parliament could take away the soldier's right, as a citizen, to be tried by his peers. It had been said, that the money had been voted for the payment of the army; but this was nothing to the purpose; for in fact there was no right or power in ministers to issue any sum voted by parliament, until the Act appropriating that sum for the purpose for which it was voted should have passed. It ought also to be remembered, that a prorogation or dissolution did away every vote of supply, not carried into an act of parliament before such prorogation or dissolution; and therefore, if the present parliament should be now dissolved or prorogued, the votes of army, navy, ordnance, and supply of every kind, must necessarily fall to the ground.

Mr. *Powys* said, that though he knew the conduct of those who opposed ministers would be placed in the most invidious point of view, still he was resolved to do what he conceived to be his duty to the public and to the constitution; and therefore he would vote for the adjournment of the order of the day. He wished to adhere to the rule which the House had wisely adopted on two former occasions, which was not to proceed to any important business until the House should have taken into consideration the King's Answer. The last received from his Majesty was an Answer indeed! He wished, therefore, for time to pause: he wished for time to shed a tear over the expiring dignity of the House of Commons; for time to regulate the funeral procession of this House of Commons. He lamented that ministers were determined to continue their mad career, and set prerogative above the privileges of the people. As to the Mutiny Bill, he was sure no man had an intention to refuse to pass it; for what length of time would be a question: on that question he had an opinion, which he would not easily be driven from; but which, in the present state of the business, he would not declare, because it was premature.

Mr. *Brooke Watson* reprobated delay; it had been, he said, the ruin of this country; through delay the American war had failed; delay had been the cause of the failure of the action of the 27th of July: delay, in point of business, and in every point of view, was dangerous, and therefore he said he would vote against a motion, the sole object of which appeared to him to be delay.

The Earl of *Surrey* said, that the conversation upon the Mutiny Bill naturally led him to ask a question about the Hessian troops now in this kingdom. He did not believe there was any evil design in keeping them here; but still it was an object of jealousy that foreign troops should be kept so long in Great Britain. He wished therefore to be informed what was the reason for which they were kept here.

The *Secretary at War* replied, that when the noble lord knew that the Hessians had been kept merely from necessity, it did not appear so candid that any doubt should be started on a subject that would naturally excite jealousy among the people. The only reason for which the Hessians had been kept was, that the Weser was entirely frozen. The frost had not been broken

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up in this country above a fortnight, and during that time transports had been got in readiness to carry them over to Germany; and they would put to sea as soon as news should arrive that the Weser was no longer bound by the frost.

Mr. *Bankes* strenuously defended the conduct of administration. He thought that opposition should speak out, whether or not they meant to stop the Mutiny Bill. It was necessary that they should do this, as the nation at large would then know their sentiments. With regard to the observation, that short Mutiny Bills should be passed in preference to any other, he hoped the House would pass the Bill for the ordinary time. His right hon. friend (Mr. Pitt) had acted according to the wishes and inclinations of the people, and had saved the nation from falling into anarchy and confusion; for he sincerely believed, that the measures of the late administration would have struck deeply at the freedom of this country. An hon. gentleman (Mr. Powys) wished to mourn over the last remains of the Commons. He had no objection to this lamentation, but still he doubted that the hon. gentleman was not sincere. He afterwards made several allusions to the hon. gentleman, charging him with want of consistency.

Mr. *Powys* said, that his consistency was certainly not that which many men would call consistency; his was a consistency of principle, which made him disregard men, and advert only to measures. Others having once voted on a particular side, thought themselves bound always to vote on that side, and this they called consistency; but, guided as he was by principle, he could without inconsistency vote this day with a man, and to-morrow against him, if in the mean time the nature of the question had changed. Thus he opposed the first resolutions that were carried against the right hon. gentleman; but when once carried, it became the dignity of the House to maintain them: like an officer, who in a council of war strenuously opposed a proposition for attacking the enemy, but finding himself over-ruled and out-voted, it became his duty to exert his skill and bravery to maintain the honour of his army, and render it, if possible, victorious. He was not afraid to appeal to those to whom he was responsible for his political conduct; and he was full of hope that his appeal would meet with success.

Mr. *Rigby* was astonished that a gentleman in office should feel hurt, because a member of parliament had asked why foreign troops were kept in the kingdom. The father of the present minister used frequently to rail at the idea of foreign troops being, not in the kingdom, but even in the pay of England, though in foreign countries. How, then, would he have felt, if he had received a reprimand from a Secretary at War, if, in the discharge of his duty, he had asked why foreign troops were kept in the kingdom? But every thing was new in the present days: never before had a minister the audacity to remain in office, with a majority of the House of Commons against him. The true constitutional method was, that private opinions ought to give way to the sense of majorities; and so convinced was the father of the present minister of the truth of this doctrine, that he made use of a very strange expression in that House, which from its singularity had made a deep impression on his memory: this expression was, "that he had borrowed a majority;" for at the very time when he was carrying this country to the highest pitch of glory, the majority was known to be with the duke of Newcastle; but so convinced was that great man of the necessity of a majority, that, to use his own expression, he borrowed that majority. Lord Grenville, who was in the greatest confidence with the old king, finding that the majority of the House of Commons was against him, immediately resigned, because he could not have served either king or country with effect while he had not the confidence of the Commons. It was reserved for the present days for a minister to disregard this, and say, "I care not for your majority; the king has appointed me, and you have nothing to do with the business." For his part, he would reply to this, that the confidence of the House was indispensably necessary to a minister, and that the Commons might or might not give that confidence, just as they pleased; and if they withheld it, the minister ought to retire; and therefore he argued that it was by no means necessary the House should point out any fault in, or lay any charge against him: this he maintained to be sound constitutional doctrine. As to the Mutiny Bill, it was now become the duty of the House to pass it only for a short time; and he declared his blood boiled in him, when he heard the very mention of the idea of an army being kept

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up in this country without a Mutiny Bill. If the Lords should venture to alter the duration of a money bill, the consequence of the Commons would be at an end, if they submitted to the alteration. But who would dare advise the keeping up of an army without an act of parliament? For his part, if the Mutiny Act was suffered to expire, he would say to every soldier he met, "Why don't you go about your business? You are as free as air; for there is no law in this country to compel you to serve any longer." Who even would entertain soldiers, if the act was expired? Would the publicans submit without compulsion to what they feel now as a heavy grievance? Where, then, could the soldiers find shelter?—Would the Grocers' company take them in? He would not dwell any longer on the subject, because he could not think of it with temper. He concluded, by observing that so jealous had the House been always of the Mutiny Bill, that Mr. Onslow, when Speaker, used to call the attention of the House to every clause of it while it was under consideration, that a Bill so foreign from the genius and nature of the constitution might be watched with a jealous eye. Would the House, then, all at once forget that constitutional jealousy, and suffer it to be so much as hinted that an army might be kept up without an act of parliament; or that the Lords might alter at their pleasure so consequential a money bill as was that for compelling some of their constituents to provide quarters for a body of men who had always been objects of national jealousy?

Lord *Mulgrave* spoke strenuously against the late proceedings. That House, he said, would ever appear degraded and humiliated when it claimed privileges which did not belong to it, or carried those privileges it did possess to an unconstitutional extreme. He handled Mr. Powys with great severity. The gentleman reminded him of a member of that House, in the time immediately antecedent to the Protectorate, a person named sir Benjamin Rudyard, whom the historians of those times described as an able, honest, and respectable man, but fond of seeing his name in print and of passing for a great speaker; a man whom a party made use of, on account of his independence and his character, as their motion-maker, conscious that what came through him would be better received than if the real leaders of the party had made the propositions themselves. At that time, as at the present, the House was led on step by step, till it was brought to that point, to which a little before they could scarcely have thought it possible for them to have come; for who, in the beginning of the proceedings of the long parliament, would have believed that they would end in creating Oliver Cromwell Lord Protector? His lordship applied this historical remark to the proceedings of the House; he said, that a right hon. gentleman had cajoled them into voting one resolution, and with that about their necks he had led them on by degrees, till he had got too far for any of them to think of retreating.

Mr. *Marsham* defended Mr. Powys. He knew he acted from the dictates of his own judgment, and was not prompted by any person upon earth: he would go farther and say, that both his hon. friend and himself would never suffer themselves to be intimidated from doing what they conceived to be right, by any misrepresentation of their conduct to the public. He conceived the very existence of the Commons to be at stake, and he wished to rescue them from that ruin into which the obstinacy of ministers seemed to be hurrying them. Nothing could be farther from his intention than to delay the business of the nation: he called upon the minister to bring forward his loan and his taxes; he desired him to state by what means he intended to raise public credit, and provide for the unfunded debts and the deficiencies of the taxes. If he could approve, he would support him; if he could not approve, still he would not divide against him; he would not divide at all; and thus the right hon. member might be said in some measure to derive strength from his own weakness. Before he sat down, he wished again to observe, that his hon. friend (Mr. Powys) acted upon the noblest, the purest principles of patriotism; *he* was no placeman, no pensioner, and what he said, every honest man must know was the real sentiments of a heart that wished to serve his country. Ambitious young men had their views; pride and interest were strong usurpers of natural honesty, and often carried men to great lengths.

The question being put on Mr. Fox's amendment, the House divided:

Tellers.

YEAS	Lord Maitland - - -	171
	Mr. Byng - - - -	

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Noes { Mr. Eliot - - - - - - } 162
{ Mr. Robert Smith - - }
Majority for postponing the Mutiny Bill, 9.

Debate on Mr. Fox's Motion for a Representation to the King on the State of Public Affairs.] March 8. The expectations of the public were so uncommonly excited to hear the important proceedings of the House on this day, that members took the trouble of going down with their friends to procure them admission to the gallery at ten o'clock in the morning. By eleven the place allotted for strangers was crowded, and the gentlemen sat, with the utmost patience, from that hour till four in the afternoon without any business: at that time counsel were heard on Nisbet's Divorce Bill; and just as the House was proceeding to the important business for which the relations and friends of the members had undergone so much fatigue, sir James Lowther rose, and complained that on bringing down his friend, the brother of the member for St. Alban's, he found it impossible to procure a seat in the gallery for him, though it was only half past three; and this being the case, and also because he had reason to believe that there might be strangers in the gallery not introduced by members, he insisted upon carrying into force the standing order of the House, and desired that all strangers might be ordered to withdraw. Many members interfered, and with great earnestness solicited the hon. baronet to recede from his order; but sir James had said it, and the gallery was accordingly cleared. In consequence of this circumstance a full report of what was said upon this occasion has not been preserved. The order of the day being read, for taking into consideration his Majesty's Answer to the Address of the 1st of March,

Mr. *Fox* rose, and after a brilliant preface, containing an exposition of the curious and uncommon circumstances of the time, and of his own situation, stated a number of general axioms for the government of a free state, full of the most elevated policy. It was not, he said, right that the ministers of the country should be so immediately dependent on the crown, as it seemed now the fashion to assert they ought to be: if their study was to please the crown, then ministers, it seemed, were safe; but if they dared to do their duty, their own ruin was the certain consequence: it well became the House of Commons, therefore, not to suffer men to be disgraced and forsaken who had been thus strenuous in their duty: it was better, he said, to be a courtier in France than in England, for there the king's favour was the sole object: but here the courtier must play a double part; for he must also delude or enslave the House of Commons into obedience to the crown and its secret advisers. As for the King's Answer, he could not have thought it possible for any minister to put into the mouth of majesty such contradictions and such scandalous duplicity: there were passages in it big with danger to the freedom of this constitution; he could not have believed that the right hon. gentleman had so detested this constitution, he could not have believed that he would have dared so to insult the House of Commons, as again to ask for the reasons of their resolutions. Every beggar, in every arbitrary country, had a right to petition his king, stating the reasons of his petition; and this forsooth was the whole mighty privilege that, by that speech, the King was advised to allow the British House of Commons—the House of Commons had often addressed, without stating their reasons. He then desired the clerk to read the Address, on the 27th of Feb. 1782, in the case of the American war, which desired his Majesty to put an end to an offensive war on that continent; as the withdrawing of the troops from thence would give us advantage over the French in other quarters, and would tend to conciliate the Americans. Thus, he said, the House there gave only a general reason, in the same manner as in their late Address. The House in the one instance had desired the King to withdraw his troops, for the sake of making peace with America; in the present case they desired the King to dismiss his ministers, for the sake of making an united and extended administration. It was true, that in the instance of the American war, the King returned an answer, declaring, indeed, his approbation of the end they sought, but not explicitly promising his concurrence in the means; upon which the House instantly came to a resolution, that he should be an enemy to his country, who should advise his Majesty to prosecute an offensive war in America.

Upon exactly similar ground the House of Commons, in the present instance, ought to be admitted as the best judges both of the means and of the end; and he should be perfectly warranted by this pre-

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cedent to move a resolution, "that he was an enemy to his country, who should advise his Majesty to continue his present administration;" by the earnest advice of some friends, however, he did not mean to propose such a resolution; what he should move would not be an address, but an humble Representation to his Majesty, for, to that no answer was customary; and he wished for no answer, because nothing was so unseemly, nothing could disgrace us more in the eyes of Europe and the world, than to see the king of England and his parliament wrangling about words, and engaged in a controversy of such a kind. All things considered, he said he did not intend to stop the supplies: that the country was ruined, and completely undone, was most clear; that public credit could not stand; that our foreign concerns must run to ruin, he believed every man must now see; those, however, were responsible, who had brought the country into this state of distraction: for his part, so far from stopping the supplies, he should press ministers to bring forward the public business: he would bring on his own amended India Bill; but if it was lost in the other House, ministers were bound to come forward with some new plan for India: and indeed every part of our public affairs cried aloud for their instant attention.

Mr. Fox then defended Mr. Powys and Mr. Marsham from the charge of inconsistency; he said they could not abet ministers, for whom they professed even a predilection, in their resistance to the House of Commons. Some there were who had agreed with him in the outset of the dispute, but who, as appeared by the decrease of the majorities, had gone over to the side of administration. How to defend the consistency of such men was indeed difficult; and it was some comfort to find, that on examining the persons of such deserters, it appeared that those who had come over to him were men every way respectable; while those who had left him, on the other hand (as was naturally to be expected), were men of whose company and of whose society no man, he believed, was ever very ambitious. Mr. Fox said a few words concerning the total impossibility of union which now appeared; the right hon. gentleman had proved himself so averse to it, even in the opinion of some who were his friends, that the world would know on which side to lay the blame, and who it was that they were to charge with immoderate ambition. He then moved,

"That an humble Representation be presented to his Majesty, most humbly to testify the surprise and affliction of this House, on receiving the Answer which his Majesty's ministers have advised to the dutiful and seasonable Address of this House, concerning one of the most important acts of his Majesty's government:

"To express our concern, that when his Majesty's paternal goodness has graciously inclined his Majesty to be sensible of the advantage to be derived from such an administration as was pointed out in our resolution, his Majesty should still be induced to prefer the opinions of individuals to the repeated advice of the representatives of the people in parliament assembled, with respect to the means of obtaining so desirable an end:

"To represent to his Majesty, that a preference of this nature is as injurious to the true interests of the crown, as it is wholly repugnant to the spirit of our free constitution: that systems founded on such a preference are not in truth entirely new in this country; that they have been the characteristic features of those unfortunate reigns, the maxims of which are now justly and universally exploded; while his Majesty and his royal progenitors have been fixed in the hearts of their people, and have commanded the respect and admiration of all the nations of the earth, by a constant and uniform attention to the advice of their Commons, however adverse such advice may have been to the opinions of the executive servants of the crown:

"To assure his Majesty, that we neither have disputed, nor mean in any instance to dispute, much less to deny, his Majesty's undoubted prerogative of appointing to the executive offices of state such persons as to his Majesty's wisdom shall seem meet; but, at the same time, that we must, with all humility, again submit to his Majesty's royal wisdom, that no administration, however legally appointed, can serve his Majesty and the public with effect, which does not enjoy the confidence of this House: that in his Majesty's present administration we cannot confide; the circumstances under which it was constituted, and the grounds upon which it continues, have created just suspicions in the breasts of his faithful Commons, that principles are adopted, and views entertained, unfriendly to the privileges of this House,

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and to the freedom of our excellent constitution: that we have made no charge against any of them, because it is their removal, and not their punishment, which we have desired; and that we humbly conceive, we are warranted by the ancient usage of this House, to desire such removal without making any charge whatever: that confidence may be very prudently withheld, where no criminal process can be properly instituted: that although we have made no criminal charge against any individual of his Majesty's ministers, yet with all humility we do conceive, that we have stated to his Majesty very distinct objections, and very forcible reasons, against their continuance: that with regard to the propriety of admitting either the present ministers, or any other persons, as a part of that extended and united administration which his Majesty, in concurrence with the sentiments of this House, considers as requisite, it is a point upon which we are too well acquainted with the bounds of our duty to presume to offer any advice to his Majesty, well knowing it to be the undoubted prerogative of his Majesty to appoint his ministers, without any previous advice from either House of Parliament, and our duty humbly to offer to his Majesty our advice, when such appointments shall appear to us to be prejudicial to the public service:

"To acknowledge with gratitude his Majesty's goodness, in not considering the failure of his recent endeavours as a final bar to the accomplishment of the gracious purpose which his Majesty has in view; and to express the great concern and mortification with which we find ourselves obliged to declare, that the consolation which we should naturally have derived from his Majesty's most gracious disposition, is considerably abated, by understanding that his Majesty's advisers have not thought fit to suggest to his Majesty any farther steps to remove the difficulties which obstruct so desirable an end:

"To recall to his Majesty's recollection, that his faithful Commons have already submitted to his Majesty most humbly, but most distinctly, their opinion upon this subject: that they can have no interests but those of his Majesty, and of their constituents; whereas it is needless to suggest to his Majesty's wisdom and discernment, that individual advisers may be actuated by very different motives:

"To express our most unfeigned gratitude for his Majesty's royal assurances, that he does not call in question the right of this House to offer their advice to his Majesty, on every proper occasion, touching the exercise of any branch of his royal prerogative, and of his Majesty's readiness, at all times, to receive such advice, and to give it the most attentive consideration:

"To declare, that we recognize in these gracious expressions those excellent and constitutional sentiments, which we have ever been accustomed to hear from the throne since the glorious era of the Revolution, and which have peculiarly characterized his Majesty and the princes of his illustrious house: but, to lament that these most gracious expressions, while they inspire us with additional affection and gratitude towards his Majesty's royal person, do not a little contribute to increase our suspicions of those men who have advised his Majesty, in direct contradiction to these assurances, to neglect the advice of his Commons, and to retain in his service an administration, whose continuance in office we have so repeatedly and so distinctly condemned:

"To represent to his Majesty, that it has anciently been the practice of this House to withhold supplies until grievances were redressed; and that, if we were to follow this course in the present conjuncture, we should be warranted in our proceeding, as well by the most approved precedents, as by the spirit of the constitution itself: but if, in consideration of the very peculiar exigencies of the times, we should be induced to wave, for the present, the exercise, in this instance, of our undoubted legal and constitutional mode of obtaining redress, that we humbly implore his Majesty not to impute our forbearance to any want of sincerity in our complaints, or distrust in the justice of our cause:

"That we know, and are sure, that the prosperity of his Majesty's dominions, in former times, has been, under Divine Providence, owing to the harmony which has, for near a century, prevailed uninterruptedly between the crown and this House: that we are convinced, that there is no way to extricate this country from its present difficulties, but by pursuing the same system to which we have been indebted, at various periods of our history, for our successes abroad, and which is at all times so necessary for our tranquillity at home: that we feel the continuance of the present administration to be an innovation upon that happy

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system: that we cannot but expect, from their existence under the displeasure of this House, every misfortune naturally incident to a weak and distracted government: that, if we had concealed from his Majesty our honent sentiments upon this important crisis, we should have been, in some degree, responsible for the mischiefs which are but too certain to ensue:

"That we have done our duty to his Majesty and our constituents, in pointing out the evil, and in humbly imploring redress: that the blame and responsibility must now lie wholly upon those who have presumed to advise his Majesty to act in contradiction to the uniform maxims which have hitherto governed the conduct of his Majesty, as well as every other prince of his illustrious house; upon those who have disregarded the opinions and neglected the admonitions of the representatives of his people, and who have thereby attempted to set up a new system of executive administration, which, wanting the confidence of this House, and acting in defiance to our resolutions, must prove at once inadequate, by its inefficiency, to the necessary objects of government, and dangerous, by its example, to the liberties of the people."

The Earl of *Surrey* seconded the motion.

Mr. *Dundas* said, it was long ago since he had made his humble attempt to stop the House in that mad and desperate career upon which they seemed then determined, and he had been charged with audacity for the attempt. Perhaps audacity would be again imputed to him, but he was determined again to step forth, and humbly to remonstrate to the House on the absurdity, the utter impropriety, the inutility, and at the same time the danger and the mischief of the present motion. The present he understood to be the final consummation of this monstrous system of outrage on the constitution. If the right hon. gentleman had been founded in constitutional principles during his late attempts, if he had built his projects on the old and sure foundations of the constitution, those tried foundations would not thus have failed him: the House of Commons, he insisted, had that force, that superiority which would enable it to bear down every other branch of the legislature, provided only that it was engaged in a sound cause; but not even the House of Commons had power to enforce its own unconstitutional resolutions. The general principles of the right hon. gentleman, in the representation which he had moved, were what no man living would deny; he only lamented that the right hon. gentlemen dared not avow in this his manifesto to the world (for such he considered it) those principles which he and others had dared to avow in the course of their speeches. Why will he not, for instance, instead of saying to his Majesty, "that this House has a right to declare their want of confidence in ministers,"—why will he not insert, "that the House claims a right of negativing his Majesty's appointment of ministers, without giving a single reason?" This indeed might alarm the country; this might not suit the purpose of his manifesto, which he understood was meant rather as something of the healing kind. But why send it to his Majesty, forbidding at the same time any answer? Why not publish it to the world, after the manner of other manifestos, with a becoming title? "Whereas this House is universally supposed to have been committing lately the most dangerous and alarming outrages on the constitution of these realms; and whereas thousands of our faithful constituents have taken violent alarm at our proceedings; be it known therefore to all counties, cities, and boroughs, that, &c." I say, Sir, continued Mr. Dundas, this should be the preamble of your manifesto; and then counter-declarations might be published against it, which would serve to bring the matter to a fair issue. Persons might then be sent through the country with it in the same manner as I understand they are now sent with pamphlets about secret influence, and the dignity of this House, and many other subjects, of such an abstruse and difficult nature, that I confess I fear few country people will comprehend them. Nay, Sir, as I understand, noblemen even, one personage in particular, a member of that reprobate House, which the right hon. gentleman has been speaking of, is set out, as I am told, upon his travels, with such piles of pamphlets as are reckoned sufficient to open the eyes of all this country. But in truth, Sir, it is high time to ask ourselves, whether it is this House, or whether it is all the world beside, that have been deceived? We are ever talking to one another within these walls about our dignity, but do the people catch this strain from us? Have we been able to make their blood run high; does the circulation of their blood run one iota faster on the sub-

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ject of our own dignity than it did before? Nay, so far from it, that our constituents, instead of catching from us this raging fever, have thought proper to apply their phlebotomy to our veins, in the hope of relieving us a little during the height of our phrenzy. Mr. Dundas then retorted on Mr. Fox's argument, that it was dangerous and impolitic in every state to trust ministers completely in the arms of the crown; and he said he would also beg leave to make an hypothesis. What the right hon. gentleman had said about losing votes in the other House, by having reduced the army, he understood, was meant only a supposed case; he conceived therefore he had a perfect right to suppose a case on the other side of the question. Instead of letting the crown have the whole power of naming and of protecting ministers, as the right hon. gentleman says, suppose for a moment the House of Commons should assume both those privileges. I have then perfect right to suppose, that instead of paying court to the crown, on whom alone they would depend in the other case, that in this case depending on the House of Commons alone for nomination and support, a combination of men might pay as wicked court to individual members of parliament as ever minion paid to a despotic king. I insist upon it, that I have just as good right as the right hon. gentleman, to make this hypothesis, on my side of the argument; that if ever the House of Commons should assume the right of nomination and control, some abandoned faction or other, by using every artifice in this House, by using every species of corruption out of it (you will observe, Sir, I speak merely on an hypothesis), may by the promises of peerages to some, of future places and emoluments to others, all which I insist it is perfectly unconstitutional to promise while the crown has the nomination of ministers, though it would not be unconstitutional if factions might nominate themselves. I say, Sir, I have perfect right to suppose the case (for I beg gentlemen to beware of thinking it any thing more than my supposition); but I do say, I can conceive a possibility that a combined faction in the House of Commons may contrive so to intrench themselves in their party by the various means of artifice, of fine promises and of corruption, that if they could gain also the right of nominating themselves ministers, the country might be as completely enslaved, the constitution as completely broken down, and its whole fabric as utterly annihilated, as in the other case it would be broken down and annihilated if the King were suffered both to name his ministers, and afterwards to protect them in their arbitrary and wicked measures. What I say therefore, is, that the true constitution lies between these two extremes, that the King has a right to name, and the House of Commons has afterwards, upon trial, full right to accuse the ministers. If, indeed, there is any thing so flagrant in the persons or characters of ministers, as to make the mind revolt at their nomination, and to merit instant censure, no doubt the House of Commons ought instantly to interfere; but to say that this House has in all cases a negative on the appointment without giving one reason why, is to say that this House has the appointment; for they gain all the end and all the effect of an actual nomination, which is a principle that I deny, for the reasons which I have just mentioned. The right hon. gentleman had been prudent enough to insert in his manifesto, that it was not the punishment, but merely the removal of ministers that he wished: the world would at least give him credit for that part of his declaration; to get their places the world would readily believe was all he wanted; and that he could give no reason why they ought to be turned out, and why he should come in, was what the world would as readily believe. Mr. Dundas made some observations on Mr. Pitt's honourable conduct in the negociations with the duke of Portland, and maintained that the answer from the King, so far from being capable of the charge of duplicity, was fair, manly, decided, and explicit; for how could his right hon. friend, as a man of honour, forbear from telling the King what he so perfectly well knew himself, that to turn him out would not prove the means of forming a union between the two contending parties. He hinted, that the meeting at the St. Alban's tavern had caused much procrastination, and served no good purpose.

Mr. *Powys* spoke some time, and lamented that Mr. Pitt had not been willing to accept of the terms on which he had wished him to meet.

Mr. *Wilberforce* was astonished how he could wish his right hon. friend to trust himself in an administration upon unequal terms, on the principle that unless Mr. Fox's party was the stronger, there could be no unity of principle.

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Mr. *Rolle* said, that he was at the meeting at the St. Alban's, where he had stood up alone to remonstrate on the impropriety of their conduct; for a letter having come from the duke of Portland to them, they sent only an extract to Mr. Pitt, because the latter part of the letter was of a nature that did not tend towards a conciliation. He insisted the whole ought to have been communicated, and that this proved the duke of Portland, and not Mr. Pitt, was the enemy to union.

Sir *W. Lemon* corroborated what Mr. Rolle said: but he had objected to sending the whole letter, because he was extremely earnest for union.

Mr. *Burke* made a speech of about two hours, chiefly on the subject of India; he said he had been shamefully traduced for his conduct, but that he gloried in it.

Mr. Marsham and Mr. Powys said, that Mr. Rolle was the only person at the St. Alban's that objected to suppressing the latter part of the duke of Portland's letter. Mr. Fox and Mr. Pitt both declared, they had not seen the exceptionable part of the letter; and Mr. Marsham promised, as he had it not then in his pocket, that he would on some other day read it in the House.

Sir *Richard Hill* made a humourous speech. He observed, that as his Majesty's late Answer had been so very unsatisfactory to the right hon. gentleman who moved the Address, and who he looked upon as the *primum mobile* in the late convulsions, (all his adherents acting only like the wheels within a wheel, mentioned in Ezekiel's vision), he should beg leave to suggest another answer, which he thought must reach the summit of the right hon. gentleman's most sanguine wishes; and as he looked upon the Address itself to be wholly composed by the right hon. gentleman, he should suppose the Answer to be given to him alone. He said, he did not lay claim to any great poetical talents, yet he should take the liberty of offering the Answer to the House in a few hasty rhymes, which, he confessed, were the production of a sleepless hour a night or two before, when he was meditating on the present distracted state of public affairs:

His Majesty's most gracious Answer to the mover of the late humble, loyal, dutiful, respectful Address.

With all humility I own,
Thy power supreme to mount my throne;
And to thy guardian care I give,
That scare-crow thing Prerogative.
O teach my crown to know its place,
Hide it beneath the Speaker's mace.
To rule and reign be wholly thine;
The name of King be only mine.
All hail to thee, great Carlo Khan!
The Prince's friend, the People's Man,
I'll ne'er presume to damp thy joy;
I'll now dismiss the angry Boy,
Tho' virtue be his only crime,
That fault's enough—at such a time.
And for the rest, I'll leave to you,
The terms of "fair and equal too."
The board's before thee: all is thine,
So let thy needy jobbers dine.
But don't forget th' obsequious crew,
Of thy fair spouse, *en cordon bleu;*
Nor grudge with handfuls to solace,
Old Israel's circumcised race,
Of useful friends, about Duke's Place.

Lord *North* ridiculed sir Richard's verses, and said it was exactly that kind of idle nonsense about Carlo Khan, &c. that had misled the weak part of the country so strangely. He accused administration of resisting the motion from the fear that the true grounds of the subsisting dispute might become known.

At twelve o'clock the House divided:

Tellers.

YEAS	Lord Maitland - - - Mr. Byng - - - - -	191
NOES	Mr. Steele - - - - - Mr. Robert Smith - -	190

Majority against ministers *One*. The representation was ordered to be presented to his Majesty by such members as were privy councillors.

Debate in the Commons on the Mutiny Bill.] March 9. The House went into a Committee on the Mutiny Bill.

General *Smith* said, that his Majesty's ministers were in possession of papers, which contained the most alarming account of transactions in India. The commander in chief of his Majesty's forces there had been arrested, and the second in command had been superseded by a power not competent to such an act; from which circumstances it had happened that all military government in India was overturned; for, according to act of parliament, all power and jurisdiction for holding courts-martial must issue from the chief officer in India, in the King's service; and that officer being superseded, no court-martial could be held, and consequently there would be an end of the King's army in that part of the world.

Mr. *Pitt* said, he could not well have

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conceived that the circumstance of a Mutiny Bill being before the committee, could have given rise to a speech on the late transactions in India. The transactions alluded to were certainly of a very important nature: his Majesty's ministers had received very ample information on that head, and would undoubtedly take such steps in consequence, as to them should seem most proper.

General *Smith* replied, that what he had said had appeared to the right hon. gentleman irrelevant to the question, only because he had not heard all he had said; for he could not conceive there was a more proper occasion for speaking of the government of the army in India, than when a bill for regulating the army was before the committee; he begged leave therefore to repeat, that general Stewart, the commander in chief in India, had been arrested, and general sir John Burgoyne, the second in command, superseded; therefore as the law had vested in the King's principal military commander the power of holding and ordering courts-martial, and that officer was superseded, there would be an end to all military subordination and discipline in India.

Mr. *Jenkinson* reminded the hon. general that the Bill then before the committee in no degree whatever affected the army in India, for it extended to the King's forces in every part of the dominions of Great Britain, except India. He admitted that what had lately happened there, was of the most serious nature, and deserved the most serious consideration. The commander in chief had been arrested, and the next to that officer in command had been superseded. Upon no part of the transaction did he mean to give an opinion; he was in hopes, however, that no mischief had happened, or was likely to happen, in consequence of the step that had been taken.

The *Secretary at War* then moved that the blank in the Bill be filled up with the words "from the 25th of March 1784, to the 25th of March 1785."

Sir *M. W. Ridley* said, the majority of the House would this day prove to the public how false were the reports, that they intended to stop the supplies, throw out the Mutiny Bill, and plunge the nation into anarchy and confusion; for his part, he was convinced that the public would, sooner or later, be convinced, that their representatives had been struggling for the constitution. He had embarked in that contest with the purest motives, and had concurred with the majority of the House, as long as he had any hopes that the House could fight with effect the battles of the constitution. But with regret he was now forced to say, that the House was defeated, and defeated by those who ought to be its natural supporters and defenders—the people. Ministers and their adherents had so misrepresented the nature of the contest, that the people, for whom alone the Commons had entered the lists, had not only abandoned them, but turned against them: with such auxiliaries, ministers had triumphed; they had taken from the Commons their heavy artillery (their constituents) and turned it upon themselves. No wonder that with such auxiliaries prerogative should triumph over the privileges of the Commons. But whether it was wonderful or not, it was a melancholy truth that the House of Commons had been defeated, and that prerogative now reigned triumphant. A misguided people had been taught to desert their natural guardians, and fly for protection to the crown: he made no doubt but the day would come when they would have cause to repent that they had lent a hand to degrade their own representatives: their repentance he feared would come too late. For his own part, he felt the degradation of the Commons so sensibly, and was so fully convinced of the insignificancy of a member in the present degraded state of the representatives of the people, that he was resolved to withdraw himself from his attendance in a House which had been sacrificed by its constituents to the prerogative of the crown.

Mr. *Powys* said, the minister and the House had engaged in a constitutional contest, in which the House had been conquered by the minister. He would not agree, however, with the hon. baronet, that the people had joined the minister, and assisted him in subduing the House; they had never yet had an opportunity to give an opinion on the subject; the appeal had not yet been made to them by a dissolution; then, and not before, could the people be said to give an opinion: of that appeal he was not in the least afraid; for he doubted not but the lapse of three or four weeks would undeceive the public, and shew the conduct of their representatives in a very different light from that in which it had industriously been held up to them for some time past. An alliance between the people and the crown against

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their own representatives, was too unnatural to be lasting; and they must soon be freed from the illusion that made them fly from the House of Commons to the crown for protection, if it was true that they did so. An address in favour of administration had been sent to the throne from a very numerous and respectable body of freeholders, in a town belonging to the county that he had the honour to represent; and yet so conscious was he that the lapse of a few weeks would set the conduct of the majority of the House in a respectable point of view, that to this very body of respectable freeholders he would commit his hopes for his re-election, in the fullest confidence that he should be able to convince them that he had represented them faithfully, uprightly, honestly, and that in the present session he had been guided in every step he had taken, by a desire to preserve, inviolate and unimpaired, that constitution, the defence of which they had committed to his charge. In the beginning of the session he opposed the India Bill, because he wished to guard the House from every foreign and unconstitutional influence. He resisted the first efforts made by the majority against the present administration; but when these efforts had succeeded so far, that what might originally have been thought a party question was become a great constitutional question, he soon took post on that side which stood up manfully for the privileges of the people against prerogative. The right hon. gentleman on the Treasury-bench, by his conduct and the answers he had advised the King to give to the addresses of the House, confirmed the opinion that he had been brought into office for the purpose of defying the House of Commons and sinking its consequence. He did not mean to say that the right hon. gentleman would intentionally set about to destroy the dignity of the House; but unquestionably, if the mere overturning the late administration, and their India Bill had been the wish of those who brought him into office, they would have dissolved the parliament, and appealed to the people. If the India Bill was the cause of the dismission of the late administration, it was not possible that the new ministers could expect support from the present House of Commons, who were, in fact, parties to that Bill; and therefore to look for support from them, shewed there were hopes that they should fall into inconsistency, and consequently into contempt, by turning about, and changing their opinion with the change of ministers. Fully aware of this, and desirous to preserve the House from contempt, he had told that right hon. gentleman, that either his administration or the parliament must be dissolved, for both could not stand together. But as no dissolution of the latter took place, the degradation of the Commons must have been a favourite measure somewhere; and as soon as he discovered this, he opposed that measure. It was upon this ground that he had been charged with inconsistency; but if it was understood that he was to bind himself to a measure that had for object the degradation of the representatives of the people, he would say to the right hon. gentleman, *non hæc in fœdera veni*. He was sorry, however, to say, that notwithstanding the manly stand made by the majority, the right hon. gentleman had conquered the House of Commons, and that he held his situation in defiance of their addresses. The answers that he and his colleagues advised the King to give these addresses, did not appear to come from persons who knew that his Majesty held his crown by a vote of parliament; if they did, they would not have advised him to treat with so little ceremony a vote of the House for the removal of ministers. The House was indeed conquered; for though a vote of the Commons could once bestow a crown, it could not now procure the dismission of a minister.

As he had been often charged with inconsistency, he would this day give some force to that charge, by voting for a long Mutiny Bill, and thereby putting it in the power of ministers to dissolve the parliament; a measure which for some time past he had been endeavouring to prevent. Such a measure might have been proper at the very outset of the present administration; but in a little time after, it would have been dangerous. However, he was now willing to let ministers run their mad career; he was convinced a dissolution would be ruinous; but the Commons were conquered, and it would be in vain for him to oppose a triumphant minister, full of confidence in the mettle of the troops that surrounded him. He had once, he said, given a description of the forces that opposed the present administration; he would now, with the leave of the House, describe those that were led by the right hon. gentleman on the Treasury-bench.

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The first might be called his body-guard, composed of light young troops, who shot their little arrows with amazing dexterity against those who refused to swear alliance to their chief. The second might be called the corps of royal volunteers, staunch champions for prerogative, ever ready to fall with determined valour upon those who should dare to oppose privilege to prerogative, or arraign the conduct of their chief. The third was a legion composed of deserters, attached to their leader by no other principle than that of interest; and who after having deserted to him from that principle, would desert from him on the same grounds, when they saw their interest would suffer if they should stand by him. His hon. friend (Mr. Marsham) had been yesterday called upon to read a letter from a noble duke; he had not the letter about him at that time, but he understood he had it this day, and would read it to the House; but before it should be read, he begged leave to state the balance of the debtor and creditor-side of the account between the right hon. gentleman in office and the noble duke who had written that letter, in the negociation in which he had borne a part. There were three things that the minister required as preliminaries to a union. One, that a noble lord should not make part of the cabinet: that noble lord, with a degree of public spirit that did him infinite honour, had expressed a readiness to withdraw his pretensions to a share in administration, and thus remove this obstacle to union. Secondly, he required that the objectionable parts of the India Bill should be given up. In compliance with this requisition, and from a desire to promote union, the right hon. gentleman (Mr. Fox) had consented to concede to the minister the most exceptionable part of that Bill, namely, that part that related to the patronage of India, and leave the rest open to discussion. Thirdly, he required that the noble duke should consent to an interview with him, upon fair and equal terms. On the other hand, the noble duke and his friends demanded three things; the first, that the minister should virtually resign; but this was a concession that he refused to make. It was next asked, that the message sent by lord Sydney, relative to an interview for forming a new administration, should, by the duke and his friends, be construed to mean a virtual resignation; but this was a concession that the minister would not make. Secondly, the noble duke desired that he might receive the message relative to an interview from his Majesty in person, that he might have the authority of his Majesty's name to propose to his friends a plan for an arrangement; but this concession also the minister refused to make. The last thing required by the noble duke was, that the word 'equal,' in the invitation to meet on fair and equal terms, might be explained; but this the minister likewise refused to do. The noble duke suggested an explanation of it in these words, 'That all possible attention should be paid to terms of fairness and equality:' but this would not do; for the ministers seemed determined to make no concession whatever. Thus stood the balance between both parties; one ready to make every concession, the other none; so that, like the reciprocity of the peace, the concession was all on one side. But why should a triumphant minister make concessions? he found his opponents ready to concede every thing for the public good; and when he found so much pliancy on one side, he had no occasion to shew any on his. But surely this conduct argued an inconsistency in the right hon. gentleman; for when the peace he made had been censured by the House of Commons, he thought it his duty to retire; but now he could stand in defiance of the very same House; and that to whose opinion he once bowed submissive, he was not afraid to trample upon.

Mr. *Pitt* said, the hon. gentleman had amused himself and the House, by describing the different corps that supported administration. He was certainly much in the right to display his talent at description, for which he was so well qualified; for having once described the opposite army while he opposed it, it was now fit that he should describe that which he now opposed, but which he formerly fought with. He was resolved to shew how able he could appear on either side of a question; and with what powers of eloquence he could, without any visible cause, oppose an administration that he had once supported. The first corps, he said, was composed of light archers, who threw their little arrows with great dexterity: probably the hon. gentleman's armour had not been so strong as to be proof against the darts of these archers; for those little arrows, which he affected so much to despise, seemed to have galled him not a little. As to the prerogative volunteers, which formed a second band, he was proud

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of their support, because neither they nor he could be fond of prerogative without being fond of the constitution, for the prerogative was part of it; nor could he for the same reason be an enemy to the House of Commons; it was a part of the constitution, and consequently to him an object of veneration. He could not conceive why the hon. gentleman should call the other band deserters, merely because they did not think proper to go the lengths to which others were hurrying the House. The hon. gentleman had an opportunity of knowing the secrets of the army; for having served on both sides, and having undertaken the task of negociating, he was able to do his friends signal service, by the information he might collect as a spy, while he enjoyed the privileges and immunities of an ambassador. The hon. gentleman had stated what he called the debtor and creditor-side of the account, in the negociation for a union. It might perhaps suit his ideas to state the business as a matter of barter; but as the only object that he had in the transaction was the public good, he considered not what men would give, but what would promote the prosperity of the country. He would endeavour to shew, that the advantage in point of character, or readiness to sacrifice private opinion, did not lie so much on the other side as the hon. gentleman was desirous to have it thought. First, with respect to the noble lord in the blue ribbon, he had said that he could not serve with him in the same cabinet: the noble lord wishing to remove an obstacle to union, had in a very handsome manner offered to take himself out of the way. Great praise was unquestionably due to the noble lord for his conduct on that occasion; but this was a concession which he never called for on the part of the right hon. gentleman over against him: he never called upon him to give up the noble lord; nay, he was sure the right hon. gentleman would have spurned at the idea. What merit, therefore, could be founded by the opposite party on the voluntary offer of the noble lord? He never called for that offer; and therefore the party had no right to expect that this voluntary act would be an inducement to him to make any concession on his part. With respect to the India Bill, it had been said that the right hon. gentleman had conceded to him the objectionable part relative to patronage. But how could he tell that? he could not tell it, until the Bill should be produced and perused. He admitted, indeed, that enough had been said to open a treaty upon that head, but not to conclude upon it. As to the virtual resignation, he had already spoken so often on the subject, that it was unnecessary to say any more: he would therefore make an observation upon the construction that the opposite party wanted to have put upon the words, 'an interview for the formation of a new administration.' They wanted to be at liberty to consider this expression to mean a virtual resignation, while ministers should be at liberty to consider it as meaning no such thing. This appeared to him so strange a way of acting, that he certainly refused to adopt it. The words 'fair and equal terms' were next to be considered. When words of such plain and obvious meaning created, or rather seemed to create difficulties, he took it for granted that those who excepted to them did not wish to meet upon such terms: if, therefore, they appeared desirous not to meet upon equal terms, would any man think it advisable that he should consent to go into a cabinet upon unequal terms, which, in other words, would be to form a cabinet carrying in its bosom the seeds of division? This was a plain state of the case; and he trusted it would appear that his conduct in the negociation had been free from censure.

Mr. *Powys* rose with great warmth: he said the minister had made use of the word 'spy,' a very dishonourable appellation to the person to whom it was applied; he desired, therefore, in order that he might have an opportunity of defending himself, that the right hon. gentleman would lay openly to his charge any thing that he might have done in the course of the negociation that could be deemed dishonourable, and such as would justify the right hon. gentleman in making use of the word 'spy,' in the manner in which he used it towards him.

Mr. *Pitt* replied, that he meant not, in the most distant manner, to charge the hon. gentleman with having acted dishonourably during the negociation; all he meant by the word 'spy' was, that the hon. gentleman having served in both armies, knew, as well as a spy could, all the secrets of both.

Mr. *Fox* observed, that after what the right hon. gentleman had said of those who went over to the one side of the House after having once voted with the other, no more persons would put themselves in

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the power of the right hon. gentleman to charge them with inconsistency; and should this be the case, he was sure the right hon. gentleman would have no reason to rejoice that his arguments should have been persuasive. But he wondered that the right hon. gentleman should have said that the hon. member who spoke last but one had changed sides without a cause. Did he not know that in reality the hon. member ceased to support him when the ground on which he formerly supported him was entirely changed? Did he not know that questions entirely new starting up, a man might espouse either side, without giving a candid reasoner the least ground for charging him with inconsistency? In the beginning of the contest, the hon. gentleman did not think the honour of the House in the smallest degree involved; but he soon found, when affairs had taken a certain turn, that the very existence of a House of Commons, or, at least, its consequence in the constitution, was in question, and then he stood up an advocate for the House, and for the constitution, even against a minister for whom he had a predilection. But the hon. gentleman seemed to triumph at having got something that approached near to a majority to support him; however, if he would weigh well all circumstances, he would find but little cause to triumph; for, in fact, who were his supporters? Some indeed who might be called a chosen band, and might be reckoned among his particular friends. But he should recollect, that a much greater number supported him merely because he was minister; that this greater number was composed of persons who never voted with him before, and who were never yet known to vote against a minister. The right hon. gentleman ought not therefore to trust much to men who never failed to support either the best or the worst ministers this country ever saw. They were not attached to the right hon. gentleman, except merely because he was minister; and if to-morrow he should be dismissed, they would be as strenuous against him as they were now strong advocates for him. They were in fact supporters of every administration; they were tools of secret influence. Did the right hon. gentleman say he would not coalesce with the noble lord on account of the American war? That would not deprive him of a single vote, though the majority of his supporters was composed of persons who had supported that war; and therefore he felt himself justifiable in saying, that if to-morrow the right hon. gentleman should happen to go out of office, he would himself be abandoned by the majority of those upon whom he now counted as his friends. He begged leave to make a few observations on the conferences relative to a union. He admitted that the right hon. gentleman had not called upon him to give up his noble friend in the blue ribbon: he knew that he would not and could not give him up. The noble lord was at the head of a party respectable from its numbers, more respectable after it was purged by desertions to the minister. Such a man could not be given up. But the noble lord's own disinterestedness and magnanimity had prompted him to make a sacrifice, which his friends would not have recommended to him, but for which he deserved the most sincere thanks of his country. The noble lord, however, great as was his consequence from the number of his friends, had consented to retire from public business: did he not, then, set an example to the right hon. gentleman? and did not the example of his noble friend call upon him to make some concession? None, however, would he make. The expression 'equal terms' was delusive; and the committee would be able to see that it was not an expression that held out a prospect of conciliation, but seemed to indicate an intention not to coalesce with sincerity for the interests of the empire, but to form a balanced arrangement that should contract that part of the ministry that should go into the cabinet from that side of the House. For the proposition that the arrangement should be made 'with attention to principles of equity and fairness,' had been rejected. Why? Because the 'fair and equal terms' on which they insisted, were directly the contrary. He confessed that, with respect to the Mutiny Bill, he would have preferred a short to a long one: but he was so far unlike the Chancellor of the Exchequer, that he sacrificed his own opinion to that of others; and therefore he would not oppose the motion that had been made, though he was convinced of the right of the House to vote a short Mutiny Bill, and the expediency at this moment of such a measure.

The *Solicitor General* expressed his resentment at the indiscriminate abuse thrown out by the right hon. gentleman against the supporters of administration.

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Mr. *Fox* said, he had not indiscriminately censured the supporters of administration: on the contrary, he said that ministers were supported by a chosen band of friends; and also by a still greater number, who did not vote with them while they were in opposition, and who in fact were never yet known to vote against a minister.

Mr. *Marsham* vindicated his own conduct and that of his hon. friend, in the negociation between the contending parties. He then read the letter from the duke of Portland to the St. Alban's meeting, relative to the last message from the minister.

The motion was then agreed to.

Debate in the Commons on the Bill for the Temporary Reception of Criminals under Sentence of Death.] March 11. On the order of the day for taking into consideration the report of the Bill "to provide places for the temporary reception of Criminals under sentence of death, and respited during his Majesty's pleasure, or under sentence or order of transportation, and also of sick Prisoners,"

The *Solicitor General* said, that as he found there were some members who intended to oppose the principle of the bill, he would, for the sake of giving them a fair opportunity, move that it be re-committed.

Captain *John Luttrell* opposed the principle of the Bill, as it was contrary to both law and justice, and insisted that the removing of persons from place to place who were afflicted with the gaol distemper, would be a means of spreading the disorder and alarming the country. He entered fully into the principle of the Bill, and allowed the necessity of something being done, yet would by no means agree to the present. He confessed that he did not take it up from party motives, for if he wished the ministry ill, he could not do them a more essential hurt than by letting the Bill pass in its present shape, for it would make them more unpopular from its arbitrary measures than ever the Receipt-tax did the authors who brought it into parliament. It would operate as an *ex post facto* law; and he thought the subjecting persons to hard labour who were sentenced to transportation was a severity that nothing could justify.

The *Solicitor General* replied, that it was at this moment impossible to carry into effect the sentence of transportation, because no place had as yet been found to which convicts, under such a sentence, could be sent. What, then, would be the consequence if they were not removed from the gaols? The obvious consequence would be, that their numbers would increase every sessions and assizes, until gaols could no longer contain them. The judges, at whose suggestion he had brought forward the Bill, had told him that they always found the same prisoners in the county gaols they had left there the preceding circuit; so that instead of delivering the gaols, according to their commissions, they in fact were only adding to the number of prisoners every year. Mr. Duncan Campbell had contracted to carry 260 felons to America, and they were delivered to him; and yet there were at this moment, in the gaol of Newgate only, 200 persons sentenced to transportation. Gentlemen would from this see the necessity of devising some means for removing convicts from the gaols, or they would soon swarm like bees in a hive. Gentlemen did not think that persons under sentence of transportation ought to be compelled to hard labour in the places to which they should be removed from the gaols. In compliance to those gentlemen, he would consent to leave out the word 'hard;' but he could not conceive that it would be improper to make them work for their subsistence. Mr. Campbell, as he had said before, had contracted to carry to America 260 convicts; but it was well understood that his contract could not be executed, as there was no place to which he could carry them; and the contract was made solely for the purpose of freeing the gaols, as the convicts could not be delivered to him but under the idea that they were going to be transported; and while they remained, as they did at present, on ship-board in the river, they were in the eye of the law supposed to be there only as on their way to America. Now, as these persons were to be kept in the river, because there was no place to which they could be transported, was it proper that they should live in idleness on ship-board, while they cost the public 2*s.* 6*d.* each per week? Why should they not be employed in such a manner as might defray the expense of their subsistence: nay, in compassion to them, he would have them kept to moderate labour as the means of saving their lives. He elucidated this point by the relation of a fact. Mr. Duncan Camp-

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bell, he said, had two vessels in the river, on board of one of which were upwards of 200 convicts condemned to raise sand in the river Thames. These men were daily employed at this work, and not one of them had died. On board of the other vessel between 200 and 300 convicts had been put, who were not kept to any labour, but who lived in idleness; of these threescore had already died. An hon. gentleman thought that if any prisoners were to be removed from the different gaols, it should be those who were confined under executions for debt; but to the removal of such persons there were several objections: they could be taken away from the temporary prisons by Habeas Corpus, and various other means.

Mr. *Hussey* did not understand why those who had been delivered over to Mr. Campbell had not been transported: he was convinced that nothing short of transportation would cure the evil complained of; the expedients proposed would, he was sure, serve only to multiply it. He would advise government to send them to an island, and to give every man a woman; there was an island where they might be landed, and where they might establish a useful colony. He was called upon to name the island, and he said he meant New Zealand, lately discovered in the South Seas.

Mr. *Fox* was apprehensive that it might be dangerous to change sentences already pronounced; and therefore though he should not like to see convicts be idle, still he would be loath to concur in condemning them to hard labour, when the law of the country had barely sentenced them to transportation. With respect to the capital convicts, it might have been proper enough, when his Majesty was pleased to remit the capital punishment, to change it into confinement and hard labour: but as the option was given to them either to be hanged or transported, and they had chosen the latter, he was of opinion it would be dangerous to alter any thing in the punishment after option made.

The motion was agreed to.

Debate on Mr. Alderman Sawbridge's Motion for a Reform of Parliament.] March 13. Mr. Alderman *Sawbridge* said, that as the subject which he wished to agitate had been often discussed, it was needless for him to take up much of the time of the House with enlarging upon it. Every body saw and admitted the necessity of some Reform in Parliament, the proposition was self-evident; he was in hopes, therefore, that the right hon. gentleman opposite to him (Mr. Pitt) would have brought the business forward, and by his weight and influence have given it the success which every friend to a true parliamentary representation must look forward to with anxiety and with earnestness. In consequence of those hopes it was that he had called upon the right hon. gentleman before he gave notice that he would move any proposition on the subject, in order to know whether he intended to take up the matter or not; from the right hon. gentleman's having declined it, and from the tenor of his proposition of the last year, which met with the general disapprobation of the friends of parliamentary reform, he was led to apprehend that the right hon. gentleman had abandoned the idea in his heart as completely as he was supposed, and had been stated to have abandoned other principles that he had formerly professed. If this was true, he should exceedingly lament the want of the right hon. gentleman's assistance, but still the subject was of too much importance to be suffered to remain untouched. That the state of the representation in parliament was most inadequate, was too notorious to need much enlargement; there was, gentleman well knew, one borough in England which had but two constituents, and yet those two returned two members; and in Scotland he understood the representation was so inadequate that there was not one in a hundred who had a vote for members of parliament. He concluded by moving, "That a Committee be appointed to inquire into the present state of the representation of the Commons of Great Britain in parliament.

Mr. Alderman *Newnham* said, he was a thorough friend to a parliamentary reform, and as he was confident the mode proposed by his worthy colleague was the best step that could be taken to accomplish it, he should give it his hearty assent.

Mr. *Martin* spoke in favour of the motion, and mentioned his willingness to contribute, if necessary, to making a recompense to those who were now possessed of burgage tenures. He professed himself a warm friend to a reform of the representation, but feared that it would not be an easy matter to accomplish it before the sense of the great body of electors was obtained upon the subject.

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Sir *Robert Clayton* spoke out boldly for the motion, as he was confident it was the wish of his constituents; and expressed his readiness to give up his burgage tenure, if it was thought necessary for the public good.

Sir *Watkin Lewes* said, he could not content himself with giving a silent vote upon a subject of such great importance, in which the citizens of London felt themselves so greatly interested, and many other great public bodies, particularly the Quintuple Alliance, one of the most respectable societies established in the country, which consisted of the cities of London, Westminster, and the borough of Southwark, and the counties of Middlesex and Surry. They had unanimously declared their opinion respecting the necessity of a reform in the representation of the people in parliament, to the want of which they attributed all the calamities which this country laboured under at present. There could not, he said, be a stronger proof of the necessity of such a reform in the representation of the people, when it was recollected what so recently happened in that House; which, so far from having acted in conformity to the sentiments of the people, had acted in direct opposition to their opinion, and reduced the people to the necessity of applying to the throne by their addresses. He dared to assert in the face of that House, notwithstanding their majority, and he would maintain the assertion, that if that House had succeeded in their late attempts in usurping the rights of the crown, it would have overturned the constitution of the country. For these and other reasons he should be heartily for the motion.

Lord *Mahon* said, that whatever might formerly be his own wish for a reform of the House of Commons, that wish was, if possible, still stronger now than ever Because, every year and every day that he sat in that House, he was more and more a witness of the absolute necessity of the House of Commons being so constituted as to attend to the opinions and to the interests of the public.

Mr. *Dempster* alluding to the state of the representation in Scotland, declared that so far from their being so well off as that every man in a hundred had a vote, he verily believed not above one in a thousand possessed that franchise.

Sir *Edward Astley* thought a reform highly necessary. He said, it ever had appeared to him to be a cruel affair, that a copy-holder of 500*l.* a year should not have a vote, while a freeholder of forty shillings a year possessed that privilege.

Mr. *Powys* declared he found it necessary to say a word or two in justification of his own consistency. He had voted twice against the propositions in favour of a reform in the representation of the people, and he meant to vote in like manner again. He asked what petitions from the people had been presented, that prayed for a parliamentary reform? He knew of none. He agreed perfectly with the noble lord, that it was highly proper that the House should have a common interest with the people; that the House thought so, it had lately given a solemn pledge; to prove which he should desire the clerk to read a passage in the last Address to his Majesty. Mr. Hatsell accordingly read these words: "That they can have no interest distinct from that of their constituents." This Mr. Powys said was a solemn pledge on the part of that House, that it could have no interest but those of the people, and therefore he thought the motion unnecessary. He was glad, however, that it had been brought forward, because it would in all probability do that which he and others had been six weeks endeavouring at without success, namely, unite the two right hon. gentlemen.

Mr. *Duncombe* rose to say that he had presented a petition, praying a parliamentary reform, from the county of York.

Mr. *Fox* spoke in favour of the motion, and of the necessity of a parliamentary reform. He confessed that the sound sense and unshaken integrity of the two worthy aldermen who made and seconded the motion gave it additional weight; and certainly a committee was far preferable to the specific plan proposed last year by Mr. Pitt, for 100 knights to be added to the counties, as the committee could meet and discuss the various plans that would be brought before them, and out of all would be able to form some grand plan fit for the House at large to give their opinion upon. The greatest opposers of the question generally started, he said, that to make any innovations on the constitution were dangerous, and might be attended with the worst of consequences; but the present could not be called an innovation, for it was not to take away, but to render more pure that which already existed: and surely the answers given to

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the last Addresses, shewed the necessity of the measure; for whilst his Majesty's ministers insisted that the House of Commons held separate interests from that of their constituents, it certainly was high time that it should be altered, and every supporter of the present ministry who had been in such repeated minorities was bound to vote for the measure, from the principle, that if the present House of Commons was inadequate, it was their duty to assist in creating a better; but if they would assert that the present House did not speak the sense of the people, and at the same time refused to assist in forming a better, it certainly was fair to argue that they did not wish the sense of the people should be collected, or heard in any House of Commons; and would prove, that they were willing to assist in ruining the present, but not to form another. The reason of the right hon. gentleman last year for moving a specific motion for a hundred knights, was to make converts of two or three illustrious persons; but it was plain the plan was not approved of either by the people out of doors or the House, equal to the motion of the year before for a committee similar to the present; for when a committee was proposed, it was negatived by only 20; but when the other was mentioned, there was a majority against it of 144. He remarked, that in all the late questions, the majority had been supported by the greatest share of the county members and members for capital cities and towns, whilst the minority had been chiefly composed of the representatives of those boroughs which have been always held as that part of the constitution that ought to be annihilated. The reform mentioned by the right hon. gentleman last year, did not extend, he said, to make any alteration in the two distant parts of the kingdom; he meant Scotland, the north part, which sent 45 members; and Cornwall, the south-west part, which sent 44 members; and undoubtedly those two parts called very loudly for reform. After entering very minutely into the nature of those two parts, he insisted that it was necessary for the House of Commons to be an assembly, not only for the mere purpose of passing taxes, but it ought to be an assembly of statesmen, fit to inspect into the executive government, and to address the crown for the removal of ministers, whenever they saw a necessity. He would, by way of hypothesis, suppose that the people at present were for the present ministry, and at the end of a couple of months, when they came to understand the question properly, would be as much against them: it would certainly prove, what always had been allowed, that the voice of the people should not be caught at first, for they were but apt to take up measures in too great a hurry, and consequently might, if not checked, do as they had done in Denmark on a popular cry, surrender up their liberties to the crown, and when they discovered their error, find it too late to recover them again: therefore, the excellence of this constitution was, that the people should speak through their representatives, and not for themselves; but still the more the constitution was reformed, the better it would be, and the more ready it would assert the dignity of that House, and maintain its privileges. To bring about so desirable a measure, it had been proposed to add more county members, to have an addition to large cities and for populous towns that at present sent no representatives to parliament. But an objection was started, that the number of members of which the House consisted at present were sufficient; therefore in what manner could the burgage tenures be got rid of? For his part, he considered charters and governments not as property, but as trusts for the public good; and therefore, whether recompence was to be made for those burgage tenures by paying in money, in land, or in honours, it was very immaterial; but he should suppose the right hon. gentleman (Mr. Pitt) was possessed of a pocket full of surrenders of the kind; and although he might not directly find honours and peerages sufficient to recompence the owners of fifty, yet he certainly could for those of St. Germain's, Grampound, Leskard, Beeralston, and Launceston. As to the borough of Old Sarum, he would not speak so positively, as the noble lord (Camelford) whose property it was, had last year offered to give it up to the Bank; perhaps, now, as the India Company was the favourite theme, he might alter his opinion, and give it up to them; however, at all events, he hoped the honours that had been bestowed on the noble lords who owned those boroughs, had not been given them merely for their votes in support of administration, but as the fee simple for the surrender of their boroughs to the public. Mr. Fox was spirited and humorous, and concluded

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with declaring that he was a firm friend to a reform; that he would give his utmost support to procure a better representation than the present; but he would also support the constitution as it was until a better could be formed.

Mr. *Eden* was of opinion, that if the House once began to alter the present form which had stood for ages, and answered every end that could be desired, they would open a repository, a manufactory for all the visionary schemes that wild and distracted politicians could invent.

Mr. *Erskine* spoke in support of the motion, and mentioned, that as Mr. Pitt formerly declared against the support of the rotten boroughs, he could wish to hear from him whether he was of the same opinion now as he was then.

Mr. *Pitt* reprobated the manner in which the present question had been brought forward, and said, that it did not appear from the arguments that had been used, that it had been brought forward now for its own sake, but with a view to the furtherance of some collateral object. It would have looked more like candour and sincerity, he said, had gentlemen argued it in another way: it would have looked more like candour and sincerity, had the worthy alderman assigned some better reason for bringing it on at a time, which did not appear to him to be the most fit or the most favourable that might have been chosen: it would have looked more like candour and sincerity, had the worthy alderman forborne to allude to him, and to talk of his conduct, in language the most invidious, the most false, the most malicious, and the most slanderous.

Mr. *Fox* called Mr. Pitt to order, and appealed to the chair if such language applied to any member of that House by a minister was to be tolerated.

The *Speaker* told Mr. Pitt the language he had used, when applied in a personal manner, was unparliamentary and not to be suffered.

Mr. *Pitt* said, if through the warmth of his feelings he had used language that was offensive, he begged pardon for having violated the order of the House; but when he reminded the House of the sort of attack upon him, to which the offensive words were applied, he trusted they would not wonder at his speaking in terms expressive of his sentiments: the worthy alderman had charged him with having "abandoned in his heart all wishes and all idea of reform, in like manner as he had abandoned his other principles." Were assertions like these to be patiently heard, and suffered to pass without shewing some sense at least of resentment? He called upon the worthy alderman to prove in what he had abandoned any one principle he had ever professed, and to shew that he was not as firm a friend to parliamentary reform as ever. He declared he was as zealously attached to the idea as at any one time since he had first adopted it, and although he did not think the present the best and most favourable opportunity for bringing it forward, he should give it his cordial support. He then went into an elaborate argument to urge the different sides of the House to unite in support of the motion.

Mr. *Sawbridge* said, that as the language the right hon. gentleman held respecting him had been declared unparliamentary, he would not trouble the House with any answer to it, otherwise than retorting the same expressions on the right hon. gentleman.

Lord *North* declared, that the more he considered the question, the more he was convinced of the impolicy of attempting any alteration. His lordship entered fully into the question, and declared, that the chief reason why he should not be able to carry with him all that body that usually supported him, was owing to the right hon gentleman having got the corrupt part of it to support him.

Mr. *Sheridan* remarked, that Mr. Pitt's speech was the worst calculated, if he intended it to serve the cause, that ever he heard uttered, for it went to no other purpose than to goad the former enemies of the motion to a perseverance in the same line of conduct. He made several excellent remarks, and concluded with giving his hearty assent to the motion.

Mr. *Courtenay* spoke in favour of the motion, and made frequent allusions to the same question in Ireland.

The House divided:

	Tellers.	
Yeas	Mr. Alderman Sawbridge Mr. Sheridan - - -	93
Noes	Mr. Eden - - - - - Mr. North - - - - -	141

Majority against the motion 48.

Mr. *Burke* then desired to know of Mr. Pitt, whether he intended to bring forward any time this session a motion similar to that of last year.

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Mr. *Pitt* replied, that he would not be bound to bring forward any motion, nor did he see the reason for asking him such a question.

The Earl of *Surrey* said, he could wish to know of Mr. Pitt whether he would bring forward any specific motion on the subject; for if he would not, he certainly would himself.

Mr. *Pitt* said, he would not pledge himself to any thing; but much would depend upon time and situation.

Debate on the Bill to prevent Bribery at Elections.] March 19. The report from the Committee on lord Mahon's Bill for preventing Bribery at Elections, was brought up.—On the motion, that the amendments be now read,

Mr. *Minchin* objected to the Bill, as wholly inadequate to its object. The noble lord, he said, had been a strenuous opposer of the India Bill on the ground that it affected the chartered rights of individuals, and yet by the present Bill he was going to rob many thousands of their dearest franchises; for if he would not allow candidates to defray the expenses of electors from the places of their residence to where they were entitled to exercise that franchise, it could not be expected that they would travel without means, and they would thereby be deprived of their franchise, although no crime whatever had been alleged against them but the enormous crime of poverty. He contended also, that the clause whereby it was put in the power of two persons, being voters, to incapacitate any candidate from serving in parliament for seven years, by only charging him with giving them money either in charity or otherwise, was a punishment much too severe for the offence. He therefore moved, "That the the word 'now' be left out of the motion, and the words 'this day six months' inserted in its stead."

Lord *John Cavendish* was of opinion, that the laws already in force would answer all the ends of the Bill. He objected to many parts of it, and particularly to its want of limitation in time for bringing charges, as by the want of such limitation a member might be subjected to a penalty of 500*l.* and seven years disqualification, merely for giving charity to a poor man who had once voted for him at an election.

Lord *Mahon* went into a defence of the Bill. He contended that nothing could be more clear than the principle of the Bill, nothing more simple or more practicable, and insisted that it would produce an essential degree of purity at future elections.

Mr. *Bowes* thought, that the laws against bribery were already too severe; that they were repugnant to the general tenor of the constitution, and in particular to the interests of the lower class of constituents. No man in his senses could expect that an honest mechanic, a burgess of Newcastle, or of a borough town, at an equal distance from London, would take a journey of near 300 miles to vote at an election at his own expense, therefore the present Bill would deprive all such electors of their franchise.

Mr. Dempster and lord North argued against the Bill upon the same principle. —The House divided: Yeas, 70; Noes, 49. A clause was then proposed by Mr. Hussey, for providing that nothing in the Act should be construed to extend to the preventing of candidates from defraying all necessary expenses of voters from their homes to the place of voting and back again; still keeping up the principle that the voter, nor any one for him, should touch the money; but it should be paid to those who had carried and fed the voters. The motion was afterwards modified; but the principle of it was carried. On the 22nd, the Bill was passed and carried up to the Lords.

March 23. The Bill was read a first time by the Lords, and on a motion that it be printed,

The Earl of *Mansfield* left the woolsack, and addressed the House on the subject of the Bill. He said he was glad to receive a motion to have it printed, because it was a Bill upon a subject of importance, and upon a subject that ought to be fully understood, especially as the country, if report spoke truly, was upon the eve of a general election. To the principle of the Bill he had no objection, because it did no more than declare that to be law which was law already. It did not, therefore, in his mind, go too far in its principle, but he had strong objections to the passing the Bill, and those objections rested altogether on there being no necessity for any such statute. By the common law of the land, and by a variety of statute laws, the crime of bribery was clearly and sufficiently ascertained; their titles and their preambles ran pretty much

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alike in terms, to the terms of the title and preamble of the present Bill; for which reason every bill brought in avowedly to prescribe new preventives, and to oppose new impediments to bribery, tended rather to narrow and contract the law against bribery, than to enlarge and enforce it. He gave the author of the present Bill full credit for his good intention; his design, however, could not answer the end it aimed at. The law was sufficiently extensive already, and it had better remain as it was, than be weakened, as it must unavoidably be, by the alteration proposed. His lordship, after some more general observations, made a few particular remarks on the Bill in question, tending to shew that it was more likely to open a door to bribery than to strengthen the bars to it already provided. He pointed out how liable the part of the Bill, allowing voters to be paid for their loss of time, was to fraud and abuse. The vague manner in which this passage was worded, invited imposition, and countenanced corruption. Men's time was a matter of great difficulty to appreciate. A minute might be of more value to some than whole hours to others. Under the idea, therefore, of paying for the time of voters, every purpose of bribery might be effectually answered. In order to shew that the idea of allowing victuals and drink to voters was by no means a new one, his lordship diverted the House with a quotation from an ancient document drawn from monkish Latin. He adverted also to other parts of the Bill, and compared them with the law as it stood, shewing, that if the public would but set their faces against the fact, and bring it home to the offenders, the laws in being for the prevention of bribery at elections were so fully adequate to the evil, and gave such complete authority to inflict a proper punishment, that there was not the smallest necessity for an additional statute upon the subject. He said, it had been suggested to him, that in a committee of the House of Commons, constituted agreeably to the directions of Mr. Grenville's Act, it had been declared, that the candidates having paid money for the purposes proscribed by the present Bill, were not guilty of bribery. Every such decision that had been made, had been clearly illegal; a fact which a reference to the statutes already in being would demonstrate most incontrovertibly. His lordship reasoned upon the ill policy of multiplying statutes unnecessarily. What the common law held to be criminal, there was no occasion to pass a statute law to declare criminal. In like manner, what the statute laws had already declared criminal, it was idle and inconvenient to pass new statute laws to declare criminal. In short, so strong, so extensive, and so effectual was the common and statute law in being against bribery at elections, that it appeared to him that the framer of the Bill under consideration was ignorant of the law as it stood already, or he never would have thought such a Bill as the present necessary.

The Bill was ordered to be printed; but in consequence of the dissolution it never passed.

Army Extraordinaries—Rumours of a Dissolution.] March 22. On the order of the day for going into a committee on the Army Estimates,

Sir *Grey Cooper* said, it was now generally understood that parliament was to be dissolved; but he could not conceive how ministers could venture upon so daring and unwarrantable a measure, as no money could be issued for the pay of the army until an appropriating act should have passed, without a manifest injury of the Bill of Rights, inasmuch as it would cause to be kept up an army without the consent of parliament. This, he said, was a serious consideration: the Bill of Rights had been presented to William and Mary, as the condition upon which they held the crown; and to fly in the face of that and pay the army without the authority of parliament, would be to disturb the title to the throne, and lead to infinite mischief.

Mr. *Harrison* did not see the smallest pretence ministers had for a dissolution, the gentlemen on his side of the House having declared that they would not oppose the measures of administration. If this was the case, let them go through the business of the nation, propose their measures of finance, and at the close of the sessions appeal to the people by a dissolution of parliament.

The question for the Speaker's leaving the chair being put and carried, the Secretary at War moved, "That a sum not exceeding 2,360,992*l.* 0*s.* 9*d.* be granted to his Majesty for the extraordinaries of the army."

Colonel *Onslow* argued upon the bad policy and ill-timed parsimony of preventing the militia from being called out once

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a year, merely with a view to save a paltry expense. It struck him as a dangerous proceeding; they were the natural army of this country, absolutely necessary for its defence against a sudden attack, and were such troops as no prince in existence had in his army. He said the army that had been voted was infinitely larger than there was occasion for; a saving might be made of the whole garrison, artillery and government of Gibraltar, by a cession of that place, which was a mill-stone about the neck of this country, and had already cost it fifty millions to no purpose. Spain was instigated by a point of honour to recover it, and would give any price; and as it had put us to a great expense, we had a right to expect a handsome price.

Several members rose and questioned the minister respecting a dissolution; but no answer was given. At last, the motion passed.

March 23. The report of the Army Extraordinaries being brought up,

Mr. *Eden* said, that he did not rise in the hope of having better success than some of his friends had on the preceding day; but he was impelled by a sense of duty to offer some remarks on the circumstances of the present motion. The minister of the day and his adherents might disregard or misapprehend those circumstances, but the time would come when the forewarnings now given would be brought back to their recollection. He would not now enlarge upon the singular conduct of voting services to the amount of near ten millions, and finding supplies for no more than a fourth part of that sum; if such votes were brought forward merely as a mode of amusing parliament, he could only say they were unnecessary, and therefore unbecoming and disrespectful: but if they were meant to give a sanction to the subsequent conduct of ministers, and to enable them to say that they were justifiable in applying the public money to voted services, the reasoning was flimsy and fallacious; the votes of such services would be a mere nullity from the moment of the dissolution; they could derive no sanction from the present House of Commons; for that same House of Commons had voted, that any payment of the army, made after a dissolution, and previous to an act of appropriation, would be criminal, and a breach of public trust, and illegal and unconstitutional. He would not however press the right hon. gentleman, either on this point or on other great considerations respecting the commerce, the revenue, and public credit of the kingdom, all which seemed to be gratuitously abandoned to confusion and ruin, at the very moment when both sides of the House concurred in giving every facility and dispatch to all the business of the nation. There certainly was an appearance of an avidity to abuse the false popularity of the moment to the purposes of creating a more subservient parliament; but the day of trial would come, and he acknowledged it to be unfair to urge the right hon. gentleman to foretel his defence, and to make it before a judicature to which he was not to be responsible. Mr. Eden added, that his present object was to mention two most important considerations, which parliament had unanimously voted to merit the most early attention, and in which he unworthily bore a principal trust. The first respected the illicit practices used in defrauding the revenue: it was his duty on that day to present the third Report of the committee; that Report comprehended all the means of prevention; it was of a nature to merit the most immediate discussion: his own duty, however, and the duty of the committee would be discharged, by presenting the fruit of labours which had been performed with integrity and with industry: he had only, therefore, to thank the House for having placed him in a committee with a set of gentlemen, to whose candour, indulgence, perseverance, and abilities, he should ever bear testimony with gratitude and respect. The next consideration was the business of the East India committee; it was connected essentially with the leading feature of the present strange session of parliament: the committee had already gained informations of the most interesting and most urgent importance; it would be impossible to stifle those informations: there could not exist any where a wish to stifle them: but it was his wish that they should be brought forward soon, and it would be a matter of proper attention, both to the public interests and to the persons employed in this branch of those interests, to intimate, either openly or privately, whether there would be sufficient time for this committee to form a report. He desired to be understood to state all this with the calmness which became a man who was standing at the side of a death-bed; in the expiring moments of the present par-

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liament. He was certainly sorry for the interest of some individuals, and for the increasing distresses of the public; but in the choice of present evils, he was glad that the dissolution, however contrary to credibility and common sense, was determined on; the kingdom, and all its dependencies, would suffer grievously by so wild a step; but the constitution would be saved: the House of Commons would be annihilated, in the most inexpedient moment; but it was better that it should be annihilated than dishonoured; it was better that there should be a temporary distress, than the mortal and fatal circumstance of a ministry continuing obstinately to exercise its functions in defiance of a vote of the representatives of the people.

Lord *North* said, he had hoped that Mr. Pitt would have deigned to have uttered a single syllable by way of satisfaction on a topic that so materially concerned them all. The report that they were at the point of death was in every body's mouth; but he was yet willing to believe that it was untrue, and that because no one public reason could be assigned in justification of such a measure. Indeed a variety of circumstances made it appear to him to be impossible that ministers could mean to dissolve parliament under the present circumstances of the country. The two committees that his right hon. friend had just referred to, alone afforded sufficient grounds to warrant the opinion he entertained upon the subject. Each of those committees had business before them, that required the immediate attention of parliament. That upon smuggling concerned the revenue so nearly, that he could not suppose any minister who regarded the interests of his country, could possibly be brought to accede to a dissolution, before something was done in consequence of the reports of the smuggling committee. Again, the committee on the state of the East India Company's affairs was employed in a matter of too interesting a nature to be disregarded, nay, the right hon. gentleman himself had declared on a former occasion, that such was the urgency of the East India Company's affairs, that the subject would admit of no delay; that it must be taken into immediate consideration, and that if any time was lost, the difficulty and the danger arising to the country in general from the present state of the Company's affairs would be increased. To dissolve the parliament, therefore, after such a declaration, would be not only unwarrantable, but in his mind highly criminal. The side of the House on which he stood had been charged with a design to stop the supplies, and to impede the progress of the public business. Had not that charge received the amplest refutation? Another charge that had been brought against them had been, that they had established a system of procrastination. He begged to ask to whom the procrastination was most truly imputable? They were ready to go on with the public business, to attend it sedulously, and to forward it with all necessary dispatch. To whom, then, was delay imputable, and what was to be thought of the consistency of the right hon. gentleman, who had formerly recommended dispatch, if he now advised his Majesty to dissolve parliament, and by that means created without any one public reason, additional delay, and put that House, with so much business before it, into a total state of inaction for two months? His lordship reminded gentlemen of the language of their Address to the throne, deprecating a dissolution, and the language of the royal Answer. In both, the business then before the House had been mentioned; by the House it had been pointed out as business of great importance, and as business that required dispatch; and in the King's Answer it had been admitted to be business that was urgent, and dispatch had been earnestly recommended to the House. From these considerations he thought a dissolution in the course of the week an idea which it was impossible for ministers to have resolved to carry into execution. He would not put any question to ministers upon the subject, because they were to answer for their conduct in that particular to another tribunal, should it hereafter appear that they had advised his Majesty to dissolve his parliament under the present circumstances of public business. This, however, he proceeded to describe as a matter impossible to be intended. He mentioned the vote of upwards of two millions of the preceding day, and said, he had freely assented to that grant, and that he should be ready, in like manner, to give his vote for any other grant that the public service required; but that vote convinced him that a dissolution of parliament was not at hand, because, for ministers to come gravely to that House and ask large grants of supplies, without having any intention to provide adequate ways and means, and to complete the busi-

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ness by following it with a bill of appropriation, but on the contrary, meaning almost immediately afterwards to dissolve parliament, would be to aggravate offence, and to treat the House with unparalleled insult and contempt. Besides, what end could such conduct answer? The House had come to a resolution, that for any minister to apply the public money to answer the votes of supply, in case of a prorogation or dissolution, before an appropriation act had passed, would be guilty of a high crime and misdemeanour. That government had acted contrary to the directions of parliament in cases of emergency, and that their conduct had not in that particular provoked censure, he was ready to admit, but then the emergencies had been unforeseen. In the present case, the emergency was foreseen; it was known, that money must be had to pay the army; it was known, that money would be wanted to pay the ordnance. To dissolve the parliament, therefore, and by that means wilfully to create the emergency, would be highly criminal. His lordship concluded with saying, that he should sit down with his mind easy, under the conviction that it was impossible for ministers to have any such intention.

Mr. *Pitt* was still silent.

General *Conway* said, he rose to take his share of the humiliation in which the House was sunk; he had hitherto been fool enough to consider the House of Commons as of consequence to the country, and weight in the constitution; but the right hon. gentleman had undeceived him; he had triumphed over the House of Commons, and proved it to be a cypher. But he warned him to make a moderate use of his triumph: the country perhaps never was in so perilous a state: in India a distracted government, verging almost on a civil war, without any power either there or here to control it: the parliament of Ireland sitting at this moment on the most important commercial business, when whatever might be done, however injurious, might perhaps never be within the bounds of possibility to be remedied; at such a moment Great Britain was to be left without a parliament, and the country plunged into confusion! Public peace was what ought to have been cultivated; and if any man had, from punctilio, pride, personal consideration, or emolument, declined that union which could alone save the country, he would not hesitate to call him an enemy to his country.

The resolution was then read a second time; and on the question, that the House do agree with the committee in this resolution, being put,

Lord *North* asked Mr. Pitt how he meant to defray the subsistence of the army after the 1st of May? The House, he said, had been led to believe, that if the supplies were not stopt, the parliament would not be dissolved before the end of the session; but as the right hon. gentleman seemed determined to remain silent, perhaps he meant to make a distinction between the two parliaments; that the present should be the question parliament, and the next the answer parliament. His lordship reprobated the idea of a dissolution, and declared that the charge of procrastination totally rested with the present ministry.

Mr. *Pitt* said, that gentlemen were welcome to put as many questions as they pleased to him, on as many subjects as they thought proper, and were at liberty to attribute what motives they choose to his not answering them; he did not conceive he was bound to answer them either one way or another, but should pursue a line of conduct which he thought right.

The report was then agreed to.

The King's Speech at the Close of the Session.] March 24. The King came to the House of Lords and put an end to the Session, by the following Speech to both Houses:

"My Lords and Gentlemen;

"On a full consideration of the present situation of affairs, and of the extraordinary circumstances which have produced it, I am induced to put an end to this session of parliament: I feel it a duty, which I owe to the constitution and to the country, in such a situation, to recur as speedily as possible to the sense of my people, by calling a new parliament.

"I trust that this measure will tend to obviate the mischiefs arising from the unhappy divisions and distractions which have lately subsisted; and that the various important objects which will require consideration may be afterwards proceeded upon with less interruption and with happier effect.

"I can have no other object, but to preserve the true principles of our free and happy constitution, and to employ the powers entrusted to me by law, for the only end for which they were given, the good of my people."

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Dissolution of Parliament.] The Earl of Mansfield, by his Majesty's command, then prorogued the parliament to the 6th of April; but on the day after the prorogation the parliament was dissolved.

FIRST SESSION OF THE SIXTEENTH PARLIAMENT OF GREAT BRITAIN.

Meeting of the New Parliament.] May 18, 1784. This day the New Parliament met at Westminster. His Majesty being seated on the throne, adorned with his crown and regal ornaments, and attended by his officers of state (the Lords being in their robes), commanded the gentleman usher of the Black Rod to let the Commons know, "It is his Majesty's pleasure, that they attend him immediately in the House of Peers;" who being come, the Lord Chancellor said,

"My Lords and Gentlemen;

"His Majesty has been pleased to command me to acquaint you, that he will defer declaring the cause of calling this parliament, till there shall be a Speaker of the House of Commons: and therefore it is his Majesty's pleasure that you, gentlemen of the House of Commons, do immediately repair to the place where the Commons usually sit, and there choose a fit person to be your Speaker; and that you present such person, who shall be so chosen, to his Majesty here, for his royal approbation to-morrow, at two of the clock." Then his Majesty was pleased to retire: and the Commons withdrew.

List of the House of Commons.] The following is a List of the Members of the House of Commons:—

A List of the House of Commons in the Sixteenth Parliament of Great Britain, which met at Westminster, May 18, 1784.

Bedfordshire. John earl of Upper Ossory.—Hon. St. Andrew St. John; found not to be properly returned.—Robert Henley lord Ongley; of Ireland; found by the committee to be duly elected, and ought to have been returned; but the committee left Mr. St. John at liberty to petition the House on the merits of the election; July 1, 1784, Mr. St. John petitioned accordingly.—Hon. St. Andrew St. John; the committee that tried the merits of the election, found Mr. St. John duly elected.

Bedford. William Colhoun.—Samuel Whitbread.

Berkshire. George Vansittart.—Henry James Pye.

Windsor. Pen. Portlock Powney; a verdurer of Windsor forest. Made ranger of Windsor little park, a new writ ordered, June 12, 1788.—R. Colley earl Mornington; of Ireland: a commissioner of the Treasury, and K. S. P. in this parliament before for Saltash.—Hon. John Montagu; his father lord Beaulieu, on the 8th of July, 1784, being created earl Beaulieu, he was from that time stiled lord Montagu; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, July, 1787.

Reading. Francis Annesley.—Richard Aldworth Neville.

Wallingford. Sir Francis Sykes.—Thomas Aubrey.

Abingdon. Edward Loveden Loveden.

Buckinghamshire. Right hon. W. W. Grenville; second brother to earl Temple, joint paymaster-general of the land forces.—John Aubrey; eldest son of sir Thomas Aubrey, bart. a commissioner of the Treasury, succeeded his father as baronet.

Buckingham. Right hon. James Grenville.—W. Wynd. Grenville; second brother to earl Temple, secretary to the lord lieutenant of Ireland, and of the privy council there. Made paymaster-general of the land forces in Great Britain; a new writ ordered, Dec. 23, 1783, he was re-elected.

Chipping Wycombe. Charles lord viscount Mahon; succeeded his father as earl Stanhope; a new writ issued, March 10, 1786.—J. Henry earl Wycombe; eldest son of the marquis of Lansdown.—Robert Waller; appointed a groom of his Majesty's bedchamber; a new writ ordered, August 19, 1784, he was re-elected.

Aylesbury. Sir Thomas Halifax, kt.; an alderman of London, and a banker there; died, a new writ ordered, Feb. 1789.—Scroop Bernard; usher of the black rod in Ireland. In August, 1789, made under secretary to the right hon. W. W. Grenville, one of his Majesty's secretaries of state.—Thomas Wrightson.

Agmondesham. William Drake, sen.—William Drake, jun.

Wendover. Robert Burton.—John Ord;

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attorney-general for the duchy court of Lancaster, and a master in Chancery.

Great Marlow. William Clayton.—Sir Thomas Rich, bt.; a captain in the navy.

CAMBRIDGESHIRE. Sir Henry Peyton, bt; died, a new writ issued, 1789.—J. Whorwood Adeane; in this parliament before for Cambridge town; a major-general, colonel of a regiment of foot, and a groom of his Majesty's bed-chamber.—Philip Yorke; succeeded his uncle as earl of Hardwicke; a new writ ordered, June 2, 1790, to which no return was made, as the parliament was dissolved the 11th of the same month.

Univ. of Cambridge. Right hon. William Pitt; brother to the earl of Chatham; first commissioner of the Treasury; chancellor and under-treasurer of the Exchequer;—Geo. Aug. earl of Euston; eldest son of the duke of Grafton.

Town of Cambridge. J. Whorw. Adeane; appointed a groom of his Majesty's bed-chamber; a new writ ordered, August 19, 1784, he was re-elected; made colonel of a regiment of foot, September 11, 1788; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered; he was chosen for the county of Cambridge.—Hon. Edward Finch; second brother to the earl of Aylesford; a lieut. in the foot guards.—John Mortlock; made steward of the three Chiltren Hundreds; a new writ ordered, May 19, 1788.—Francis Dickens.

CHESHIRE. John Crewe.—Sir R. Salusbury Cotton, bt.

Chester. Thomas Grosvenor.—R. Wilbraham Bootle.

CORNWALL. Sir William Lemon.—Sir William Molesworth.

Launceston. Hon. C. Geo. Perceval; became lord Arden on the death of his mother in June, 1784.—George Rose; joint secretary to the Treasury; made master of the office of pleas in the court of Exchequer, and clerk of parliament; a new writ ordered, June 8, 1788, he was elected for Lymington.—Sir John Swinburn, bt.

Leskard. Hon. Edw. James Eliot; eldest son of lord Eliot; a commissioner of the Treasury; appointed king's remembrancer in the court of Exchequer; a new writ ordered, January 25, 1786, he was re-elected.—Hon. John Eliot; second son of lord Eliot.

Lestwithiel. John Thomas Ellis.—John Sinclair; created a baronet of Great Britain, Feb. 4, 1786.

Truro. W. A. S. Boscawen; cousin to viscount Falmouth; has a company in the foot guards.—William M'Carmick; a major in the army on half pay; made governor of the island of Cape Breton; a new writ ordered, Feb. 26, 1787.—John Hiley Addington.

Bodmyn. Sir John Morshead, bt.—Tho. Hunt; brother to the late member; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, November, 1789.—George Wilbraham.

Helston. Thomas lord Hyde; succeeded his father as earl of Clarendon; the Speaker issued his warrant to the clerk of the crown for a new writ, Dec. 1786.—James B. Burgess; under secretary to the duke of Leeds, one of his Majesty's principal secretaries of state.—John Rogers; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, March 16, 1786.—Roger Wilbraham.

Saltash. Charles Ambler; attorney-general to the queen.—Right hon. C. Jenkinson; created lord Hawkesbury, baron of Hawkesbury in the county of Gloucester; the Speaker issued his warrant to the clerk of the crown for a new writ, Oct. 4, 1786.—Richard earl of Mornington; of Ireland; a commissioner of the Treasury; in this parliament before for Beeralston; not duly elected.—John Lemon; a major in the life guards; brother to sir Wm. Lemon.

Camelford. Jonathan Phillips; made steward of the three Chiltren Hundreds in the county of Buckingham; a new writ ordered, July 22, 1784.—Sir Samuel Hannay, bt.—Jas. Macpherson.

Westlooe. John Scott; a major in the service of the East India company.—John Lemon; brother to sir William Lemon; a lieutenant-colonel in the horse guards; made steward of the three Chiltren Hundreds in the county of Buckingham; a new writ ordered, July, 1784.—James Adams.

Grampound. Hon. John S. Cocks; eldest son of lord Sommers.—Francis Baring.

Eastlooe. John Buller; commissioner of the Treasury; died, and the Speaker gave notice in the London Gazette, that he would issue his warrant to the clerk of the crown for a new writ, August, 1786.—Richard Grosvenor; nephew to earl Grosvenor; made steward of the three Chiltern Hundreds, a new writ ordered, April, 1788.—Robert viscount Belgrave; only son of earl Grosvenor; made a commis-

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sioner of the Admiralty; a new writ ordered, Jan. 22, 1790, he was re-elected.—William Graves; a master in Chancery; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, —Alexander Irving; a lieutenant in the foot guards; died, a new writ ordered, Jan. 22, 1790.—J. John earl of Carysfort; of Ireland.

Penryn. Sir Francis Basset, bt.—Sir John St. Aubin, bt.

Tregony. Right hon. Lloyd Kenyon; master of the rolls; created a baronet of Great Britain, July 24, 1784; appointed lord chief justice of the King's Bench, and created baron Kenyon of Greddington, in the county of Flint; a new writ ordered, June 8, 1788.—Hon. Hugh S. Conway; fourth son of the earl of Hertford; a captain in the navy, and treasurer of the household to the prince of Wales.—Robert Kingsmill; a captain in the navy.

Bossiney. Hon. Charles Stuart.—Bamb. Gascoyne, sen.; appointed receiver-general of the customs; a new writ ordered, April, 1786.

St. Ives. William Pread; recorder of St. Ives.—Richard Barwell.

Fowey. Philip Rashleigh.—John Grant; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, Feb. 7, 1786.—Hon. Richard Edgecumbe; only son of viscount Mountedgecumbe; his father on the 18th of August, 1789, being created earl of Mountedgecumbe, he was from this time stiled viscount Valletort.

St. Germains. John J. Hamilton; nephew and heir to the earl of Abercorn, on whose death he succeeded to the peerage; a new writ ordered, January 21, 1790.—Abel Smith; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, August, 1788.—Samuel Smith.

St. Michael's. (D. R.) David Howell; a captain of dragoons.—Roger Wilbraham; not duly elected.—Christopher Hawkins; found duly elected, June 11, 1784.

Newport. Sir John Miller, bt.—Sir John Coghill, bt.; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, November, 1785.—William Mitford.

St. Mawes. R. Craggs, earl Nugent; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, June 11, 1784.—William Young; eldest son of sir William Young, to whose title he succeeded in June, 1788.—Hugh Boscawen.

Callington. John Call.—Paul Orchard.

CUMBERLAND. William Lowther; eldest son of sir William Lowther, to whose title he succeeded in July, 1788.—Sir Henry Fletcher, bt.

Carlisle. Charles earl of Surrey; succeeded his father as duke of Norfolk; the Speaker issued his warrant to the clerk of the crown to make out a new writ, August, 1786.—Edward Knubby; not duly elected.—Rowl. Stephenson; duly elected, and ought to have been returned.—Hon. Edw. Norton; third son of lord Grantley; a barrister at law; appointed recorder of Carlisle in September, 1784; died, a new writ ordered, April, 1786.—John Lowther; in this parliament before for Cockermouth.—John Christian; duly elected, and ought to have been returned.

Cockermouth. John Lowther; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, April, 1786, he was elected for Carlisle.—Humphry Senhouse.—James C. Satterthwaite.

DERBYSHIRE. Lord George Cavendish.—Edward Miller Mundy.

Derby. Lord G. H. Cavendish.—Edw. Coke.

DEVONSHIRE. John Poll. Bastard; lieutenant-colonel of the east regiment of Devonshire militia.—John Rolle; colonel of the south regiment of Devonshire militia.

Exeter. Sir C. W. Bamfylde, bt.—John Baring.

Totness. Hon. Henry Phipps; brother to lord Mulgrave of Ireland; has a company in the foot guards.—Sir P. Jenn. Clerke; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, Jan. 1785.—W. Harry, viscount Barnard; only son of the earl of Darlington.

Plymouth. Robert Fanshaw; a captain in the navy; made a commissioner of the navy; a new writ ordered, Jan. 27, 1790.—Alan Gardner; a captain in the navy, and a commissioner of the Admiralty.—John M'Bride; a captain in the navy.

Oakhampton. John Luxmore; not duly elected. — George viscount Malden; eldest son of the earl of Essex, declared duly elected.—Thomas Wiggens; not duly elected. — Humphry Minchin; duly elected.

Barnstaple. William Devaynes.—John Cleveland.

Plympton Earle. Paul Treby Ourry;

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appointed steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, July, 1784.—John Pardoe; a director of the East India company.—John Stevenson.

Honiton. Sir George Collier, kt.; a captain in the navy.—Right hon. sir G. Yonge; made a knight of the bath.

Tavistock. Right hon. Richard Rigby; died, a new writ ordered, April 9, 1788.—Lord John Russell; brother to the duke of Bedford.—Right hon. Richard Fitzpatrick.

Ashburton. Sir Robert Palk, bt.; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, March, 1787.—Lawrence Palk; son of the late member.—Rob. Macreth.

Dartmouth. Arthur Holdsworth; governor of Dartmouth; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, September 3, 1787.—Edmund Bastard; brother to the member for the county.—Richard Hopkins; a commissioner of the Admiralty.

Beeralston. W. Robert, viscount Fielding; lieutenant-colonel of dragoons on half-pay.—Richard earl of Mornington; of Ireland, K. S. P.; made a commissioner of the Treasury; a new writ ordered, January 23, 1787, he was elected for Saltash.—Charles Rainsford; a lieutenant-general; colonel of a regiment of foot, and governor of Chester; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, Dec. 20, 1788.—John Mitford; made a Welsh judge; a new writ ordered, July 20, 1789, he was re-elected.

Tiverton. Hon. Dudley Ryder; eldest son of lord Harrowby; made under secretary to the duke of Leeds, one of his Majesty's principal secretaries of state, in August, 1789, which office he resigned in January, 1790; made comptroller of his Majesty's household, and sworn of the privy council; a new writ ordered, February 19, 1790.—Sir John Duntz.

DORSETSHIRE. Hon. George Pitt.—Francis John Browne.

Poole. William Morton Pitt.—Michael A. Taylor.

Dorchester. Hon. George Damer.—William Ewer; died, a new writ ordered, July, 1789.—Thomas Ewer; brother to the deceased member; died, a new writ ordered, January 22, 1790.—Hon. Cropley Ashley; brother to the earl of Shaftesbury.

Lyme Regis. Hon. Henry Fane.—Hon. Thomas Fane; brother to the earl of Westmoreland; has a company in the foot guards.

Weymouth and Melcomb Regis. Right hon. Wel. Ellis.—John Purling.—Gabriel Steward; made steward of the three Chiltern Hundreds; a new writ ordered, March 16, 1786.—Sir Thomas Rumbold, bt.—George Jackson; judge advocate of the fleet; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ, ordered, December, 1788. (See Colchester.)—Gabriel Steward; governor of Portland castle.

Bridport. Charles Sturt; a lieutenant in the navy.—Thomas Scott.

Shaftesbury. Hans W. Mortimer.—Adam Drummond; brother-in-law to the duke of Bolton; died, a new writ ordered, July, 1786.—John Drummond; brother of the deceased member.

Wareham. Charles Lefebure; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, July 10, 1786.—John Calcraft.—Thomas Farrer.

Corfe Castle. Henry Bankes.—John Bond.

DURHAM. Sir John Eden, bt.—Sir Thomas Clavering, bt.

Durham. John Tempest.—John Lambton; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, February, 1787.—Wm. H. Lambton; son of the late member.

ESSEX. Tho. B. Brampstone, bt.—John Bullock.

Colchester. Sir Edm. Affleck, bt.; died, a new writ ordered, December 4, 1788.—(D. R.) Geo. Jackson; not duly elected.—Geo. Tierney; duly elected.—Christopher Potter; not duly elected, a new writ ordered, July 5, 1784.—Sir Robert Smith.

Malden. John Strutt.—D. Billers, lord Waltham; of Ireland; died, a new writ ordered, Feb. 1787.—Sir Peter Parker; admiral of the white, made admiral of the blue, Sept. 24, 1787.

Harwich. Right hon. Thomas Orde; receiver-general of the duchy of Lancaster, and principal secretary to the lord lieutenant of Ireland, and a privy counsellor of that kingdom.—John Robinson; made surveyor of his Majesty's woods, &c.; a new writ ordered, December 17, 1787, he was re-elected.

GLOUCESTERSHIRE. Thomas Masters.—Hon. George C. Berkeley; made surveyor-general of the ordnance; a new writ

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ordered, March 17, 1789, he was re-elected.

Gloucester. John Webb.—Sir Charles Barrow; died, a new writ ordered, January, 1789.—John Pitt.

Cirencester. Henry lord Apsley; made a commissioner of the Treasury; a new writ issued, July 31, 1789, he was re-elected; succeeded the earl of Hardwicke as one of the tellers of the Exchequer, of which office he had the reversion; a new writ ordered, May, 1790, he was re-elected. — Samuel Blackwell; died in 1785, a new writ ordered.—Richard Master.

Tewkesbury. Sir W. Codrington, bt.—James Martin.

HEREFORDSHIRE. Sir George Cornewall, bt. —Right hon. Thomas Harley.

Hereford. Charles earl of Surrey; only son of the duke of Norfolk; made his election for Carlisle, a new writ ordered, July 5, 1784.—Robert Phillips; a barrister at law; made steward of the Chiltern Hundreds, a new writ ordered, April, 1785.—James Walwyn.—John Scudamore.

Leominster. John Hunter; a director of the East India company.—Penn Asheton Curzon.

Weobley. Andrew Bayntun; made steward of the three Chiltern Hundreds in the county of Buckingham, a new writ ordered, in 1786.—Honourable Thomas Thynne; eldest son of lord viscount Weymouth, but his lordship being created marquis of Bath, Aug. 18, 1788, Mr. Thynne was from that time stiled viscount Weymouth.—John Scott; made king's counsel; made solicitor-general to his Majesty, and knighted; a new writ ordered, June 13, 1788, he was re-elected.

HERTFORDSHIRE. William Plumer.—James viscount Grimstone; of the kingdom of Ireland. On the dissolution of this parliament he was created baron Verulam of Gorhambury in the county of Hertford.

St. Albans. Hon. Wm. Grimstone; brother to viscount Grimstone.—William Charles Sloper.

Hertford. T. (Baron) Dimsdale.—John Calvert.

HUNTINGDONSHIRE. Peter earl Ludlow.—John lord viscount Hinchingbroke.

Huntingdon. Sir W. Rawlington.—Launcelot Brown; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, in 1787.—John Willet Payne; a captain in the navy.

KENT. Hon. Charles Marsham.—Filmer Honywood.

Canterbury. George Gipps.—Charles Robinson; recorder of Deal, Dover, Hythe, and New Romney, and steward of Fordwich.

Rochester. Sir Cha. Middleton, bt.; captain in the royal navy, and comptroller of the navy; made rear-admiral of the white, September 24, 1786.—Nathaniel Smith; chairman of the directors of the East India company.

Maidstone. Ger. N. Edwards; nephew to the earl of Gainsborough; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, July, 1788, he was elected for the county of Rutland.—Matth. Bloxam.—Clement Taylor.

Queensborough. George Bowyer; a captain in the navy; made a colonel of marines in October, 1786.—John Aldridge; storekeeper of the ordnance.

LANCASHIRE. Thomas Stanley.—John Blackburn.

Preston. Right hon. John Burgoyne.—Sir Henry Hoghton, bt.

Lancaster. Abraham Rawlinson.—Francis Reynolds; only brother to lord Ducie; a captain in the navy; succeeded his brother in the peerage, Sept. 16, 1785. The Speaker issued his warrant to the clerk of the crown to make out a new writ, Oct. 1785.—Sir George Warren.

Newton. William Peter Legh.—Sir Tho. Davenport, kt.; died, a new writ ordered, April, 1786.—Thomas Brooke.

Wigan. Orlando Bridgman; eldest son of sir Henry Bridgman, bart. who on the 13th of August, 1794, was created baron Bradford of Bradford, in the county of Salop.—John Cotes; son-in-law to the earl of Stamford.

Clithero. Thomas Lister.—John Lee; one of his Majesty's counsellors at law.

Liverpool. B. Gascoyne, jun.—Richard lord Penryn.

LEICESTERSHIRE. William Pochin.—John Peach Hungerford.

Leicester. John Macnamara.—Charles Loraine Smith.

LINCOLNSHIRE. Sir John Thorold.—Charles A. Pelham.

Lincoln. John F. Cawthorne.—Hon. R. Lumley Savile; next brother to the earl of Scarborough.

Boston. Sir Peter Burrell, kt.—Dalhousie Watherston.

Great Grimsby. Dudley Long; took the name of North in 1789.—John Harrison.

Stamford. Henry Cecil.—Sir George Howard, k. b.

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Grantham. George Sutton.—Francis Cockayne Cust.

MIDDLESEX. John Wilkes.—William Mainwaring.

Westminster. Right hon. Charles J. Fox.—Samuel lord Hood; of Ireland; rear-admiral of the blue; made a vice-admiral; made one of the commissioners of the Admiralty; a new writ ordered, July, 1788; in this parliament afterwards for Ryegate.—Lord John Townshend; second son of marquis Townshend.

London. Brook Watson.—Nathaniel Newnham.—Sir Watkin Lewes.—John Sawbridge.

MONMOUTHSHIRE. John Morgan.—John Hanbury; died before the parliament met, a new writ ordered, June 11, 1784.—George viscount Neville; before in this parliament for Seaford; eldest son of the earl of Abergavenny, on whose death he succeeded to the peerage; the Speaker issued his warrant to the clerk of the crown to make out a new writ, November 12, 1785.—James Rook; a colonel in the army.

Monmouth. Sir John Stepney, bt.; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, March, 1788.—Henry, marquis of Worcester; eldest son of the duke of Beaufort.

NORFOLK. Sir Edward Astley, bt.—Sir John Wodehouse, bt.

Norwich. Sir Harbord Harbord, bt.; created lord Suffield, baron of Suffield in the county of Norfolk, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, Sept. 5, 1786.—Hon. Henry Hobart; brother to the earl of Buckinghamshire, not duly elected; a new writ ordered, March, 1787.—Hon. Henry Hobart.—Right hon. William Windham.

Lynn Regis. Crisp Molineux.—Hon. Horatio Walpole; eldest son of lord Walpole.

Yarmouth. Henry Beaufoy.—Sir John Jervis, k. b.; a captain in the navy; made a rear-admiral in 1787: now earl of St. Vincent.

Thetford. Sir Charles Kent, bt.—George Jennings.

Castle-Rising. Walter Sneyd.—Charles Boone.

NORTHAMPTONSHIRE. Sir James Langham, bt.—Thomas Powys.

Peterborough. James Phipps; died, a new writ ordered, in 1786.—Hon. Lionel Damer.—Richard Benyon.

Northampton. Charles lord Compton; eldest son of the earl of Northampton, and colonel of the Northamptonshire militia.—Fiennes Trotman.

Brackley. John William Egerton.—Timothy Caswell; made a commissioner of the excise; a new writ ordered, June 30, 1789.—Samuel Haynes.

Higham-Ferrers. Right hon. Frederick Montagu; ranger of Salcey forest in the county of Northampton.

NORTHUMBERLAND. Lord Algernon Percy; succeeded to the barony of Lovaine on the death of his father; a new writ ordered, June 2, 1786.—Charles Grey.—Sir William Middleton, bt.

Newcastle-upon-Tyne. Charles Brandling.—Sir Matt. W. Ridley, bt.

Morpeth. Sir James Erskine bt.; a major of dragoons; made director of the Chancery in Scotland; a new writ ordered, February 14, 1785, he was re-elected; in July, 1789, took the name of St. Clair.—Peter Delmé; brother-in-law to the earl of Carlisle; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, August 22, 1789.—Thomas Gregg.

Berwick-upon-Tweed. Hon. J. Vaughan.—John Hussey, lord Delaval; created lord Delaval, baron of Delaval in the county of Northumberland. The Speaker issued his warrant to the clerk of the crown to make out a new writ, August 7, 1786.

NOTTINGHAMSHIRE. Lord L. C. C. Bentinck.—Charles Medows; took the name of Pierrepont in 1788.

Nottingham. Daniel Parker Coke.—Robert Smith.

East Retford. Thomas, earl of Lincoln; made a major-general in 1787.—Wharton Amcotts.

Newark. J. Manners Sutton.—C. John, lord Mulgrave; of Ireland; joint paymaster-general of the land forces in Great Britain, and a captain in the navy. On the dissolution of this parliament he was created baron Mulgrave of Mulgrave in the county of York.

OXFORDSHIRE. Philip lord viscount Wenman.—Lord Charles Spencer.

Oxford University. Sir William Dolben, bt.—Francis Page.

Oxford. Hon. Peregrine Bertie.—Lord Robert Spencer.

Woodstock. Sir H. W. Dashwood, bt.—Francis Burton; king's counsel; made a Welsh judge; a new writ ordered, July, 1788, he was re-elected.

Banbury. Frederick lord North.

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RUTLANDSHIRE. Geo. B. Brudenell.—Thomas Noel.

SALOP. John Kynaston.—Sir Richard Hill, bt.

Shrewsbury. Sir Charlton Leighton, bt.; died; the Speaker issued his warrant to the clerk of the crown to make out a new writ, November, 1784.—John Hill; brother to sir Richard Hill, bart. member for the county.—William Pulteney.

Bridgenorth. Thomas Whitmore.—Isaac Hawkins Browne.

Ludlow. Edward lord Clive.—Somerset Davies.—Richard Payne Knight.

Great Wenlock. John Bridgman; second son of the other member; took the name of Simpson in ; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, in 1785.—George Forester.—Sir Henry Bridgman, bt.

Bishop's Castle. William Clive.—Henry Strachey.

SOMERSETSHIRE. Sir John Trevelyan, bt.—Edw. Phelips, jun.

Bristol. Henry Cruger.—Matthew Brickdale.

Bath. Abel Moysey.—Hon. John Jeffries Pratt; from the 13th of May, 1786, he was styled viscount Bayham, his father being then raised to the dignity of earl Camden; made a commissioner of the Treasury; a new writ ordered, July 31, 1789, he was re-elected.

Wells. William Beckford.—Clement Tudway.

Taunton. Benjamin Hammet.—Alexander Popham; a master in Chancery.

Bridgewater. Hon. Anne Poulett; died, a new writ ordered, July, 1785.—Rob. Thornton; a merchant in London.—Alexander Hood; brother to lord Hood; a rear-admiral of the blue, and treasurer of Greenwich Hospital; a knight of the bath; made a vice-admiral, September 24, 1787.

Minehead. Henry Beaufoy; made his election for Yarmouth (Norfolk); a new writ ordered, June 11, 1784.—Hon. Charles Phipps; next brother to lord Mulgrave; a captain in the navy; died, and the Speaker issued his warrant for a new writ, October, 1786.—Robert Wood; a captain of dragoons.—John F. Luttrell.

Ilchester. Peregrine Cust; died, a new writ ordered, January, 1785.—John Harcourt; not duly elected.—George Johnstone; duly elected, and ought to have been returned; a captain in the navy; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, February, 1787.—George Sumner.—Benjamin Bond Hopkins.

Milborne Port. John Townson; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, January 23, 1787.—William Popham.—John lord Muncaster.

SOUTHAMPTON. Robert Thistlethwaite.—Jervoise C. Jervoise.

Winchester. Richard Gamon, jun.; brother-in-law to the duke of Chandos.—Henry Penton.

Southampton. John Fleming.—James Amyatt.

Portsmouth. Hon. W. Cornwallis; second brother to earl Cornwallis; a captain in the navy.—Sir H. Fetherstonhaugh, bt.

Yarmouth. (I. W.) Edward Morant; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, April, 1787.—Thomas C. Jervoise; son to the member for the county.—Philip Francis.

Petersfield. William Jolliffe.—Thomas Samuel Jolliffe; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, February, 1787.—J. Christopher, viscount Downe; of the kingdom of Ireland.

Newport. (I. W.) Hon. Hugh S. Conway; fifth son of the earl of Hertford; a captain in the navy; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, March, 1786.—Hon. J. T. Townshend; eldest son of lord Sydney; under secretary to lord Sydney, one of his Majesty's principal secretaries of state; made a commissioner of the Admiralty; a new writ ordered, January 22, 1790.—George Byng.—Edward Rushworth.

Stockbridge. Hon. John Luttrell; made a commissioner of excise; a new writ ordered, January, 1785.—James Gordon.—T. Boothby Parkyns.

Newton. (I. W.) James Worsley; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, August 19, 1784.—Mark Gregory.—John Barrington.

Christ-Church. Sir James Harris, k. b.; envoy extraordinary and plenipotentiary to the States General; created baron Malmsbury of Malmsbury in the county of Wilts, and the Speaker issued his warrant to the clerk of the crown for a new writ, Sept. 30, 1788.—Hans Sloane.—Sir John Frederick, bt.

Lymington. Robert Coult.—Harry Bur-

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rard; nephew to sir Harry Burrard; a major in the army, and governor of Calshot castle; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, June 12, 1788.—George Rose; one of the secretaries of the Treasury; clerk of the pleas in the court of Exchequer, and clerk of parliament; in this parliament before for Launceston.

Whitchurch. George visc. Middleton.—William Selwyn.

Andover. Benjamin Lethieulier.—Sir John Griffin Griffin, k. b.; died, a new writ ordered, December 15, 1797.—Wm. Fellowes.

STAFFORDSHIRE. Sir John Wrottesley, bt.; died, a new writ issued in April, 1787.—George earl Gower; eldest son of the marquis of Stafford.—Sir Edward Littleton, bt.

Litchfield. Thomas Gilbert.—Geo. Anson; died, and the Speaker gave notice that he would issue his warrant to the clerk of the crown to make out a new writ, Nov. 1789.—Thomas Anson; eldest son of the deceased member.

Stafford. Hon. Edward Monckton.—Richard B. Sheridan.

Newcastle-under-Line. Richard Vernon; brother-in-law to earl Gower.—Arch. Macdonald; a Welsh judge, and solicitor-general to his Majesty; made attorney-general to his Majesty, and knighted; a new writ ordered, June 13, 1788, he was re-elected.

Tamworth. John Courtenay.—John Calvert.

SUFFOLK. Sir John Rous, bt.—Joshua Grigby.

Ipswich. William Middleton.—John Cator; not duly elected.—Charles A. Crickett; a proctor in Doctors' Commons.

Dunwich. Barne Barne.—Sir Ger. W. Van Neck, bt.

Orford. Francis viscount Beauchamp.—Hon. George S. Conway; fourth son of the earl of Hertford; a captain in the army.

Aldborough. Samuel Salt.—Philip C. Crespigney.

Sudbury. William Smith.—James Langston.

Eye. Peter Bathurst; cousin to earl Bathurst; a major-general in the army.—Richard B. Phillipson.

St. Edmund's Bury. Hon. Geo. F. Fitzroy; eldest son to lord Southampton; an officer in the army, and one of the grooms of the bedchamber to the Prince of Wales; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, January 23, 1787.—Lord Charles Fitzroy; second son of the duke of Grafton; an officer in the army; in July, 1789, appointed to a company in the foot guards.—Sir Charles Davers, bt.

SURREY. Hon. William Norton; eldest son of lord Grantly, on whose death he succeeded to the peerage; a new writ ordered, January 5, 1789.—Lord Wm. Russell; second brother to the duke of Bedford.—Sir Joseph Mawbey, bt.

Southwark. Sir Barnard Turner, kt.; an alderman of London; died, a new writ ordered, June 15, 1784.—Paul Le Mesurier; an alderman of London, and one of the directors of the East India company.—Henry Thornton.

Blechingley. John Kenrick.—John Nicholls; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, Dec. 1787.—Sir Robert Clayton, bt.

Ryegate. William Bellingham; secretary to the chancellor of the Exchequer (Mr. Pitt); made by the judges of the Admiralty in December, 1788, receiver of the dues of Greenwich Hospital; made a commissioner of the victualling office; a new writ ordered, August 10, 1789.—Samuel lord Hood; of Ireland; a commissioner of the Admiralty, and a vice-admiral of the blue; before in this parliament for Westminster.—Edw. Leeds; a master in Chancery; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, May, 1787.—Reginald Pole Carew.

Guilford. Hon. Thomas Onslow; eldest son of lord Onslow.—Hon. Chapell Norton.

Gatton. Maurice Lloyd.—James Fraser.—William lord Newhaven.

Haslemere. John B. Garforth.—Thomas Postlethwaite; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, June, 1786.—John Lowther.

SUSSEX. Hon. Thomas Pelham.—Lord Geo. H. Lennox; made governor of Plymouth, October, 1784.

Chichester. George W. Thomas.—Thomas Steele; one of the secretaries to the Treasury.

Horsham. Jeremiah Crutchley.—Philip Metcalfe.

Midhurst. Benjamin Lethieulier; made his election for Andover; a new writ ordered, June 14, 1784.—Edward Cotsford.—Henry Drummond.

Lewes. Hon. Henry Pelham.—Thomas Kempe.

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Shoreham. Sir Cecil Bishopp, bt.—John Peachey.

Bramber. Daniel Pulteney; made collector of the customs in the island of Dominica; a new writ ordered, Dec. 4, 1788.—Robert Hobart; son of the hon. George Hobart, and nephew to the earl of Buckinghamshire; a major in the army; made principal or chief secretary to the lord-lieutenant of Ireland (marquis of Buckingham) in 1789. —Sir Henry Gough; changed his name to Calthorpe in 1788.

Steyning. Hon. Richard Howard; brother to the earl of Effingham; secretary and comptroller to the queen.—Sir John Honywood, bt.; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, in 1785.—T. E. Freeman, jun.; died, a new writ ordered, April 1788.—Sir John Honywood, bt.

East Grinsted. Henry A. Herbert; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, February 24, 1786.—James Cunningham; a lieutenant-general, and colonel of a regiment of foot; late governor of the island of Barbadoes; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, October, 1788.—Rt. H. R. Cunningham; brother of the deceased member; a lieutenant-general; colonel of a regiment of foot, and governor of Kinsale in Ireland; also a privy counsellor there; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, Feb. 20, 1789.—Richard Ford.—Geo. Medley.

Arundel. Charles earl of Surrey; eldest son of the duke of Norfolk; made his election for Carlisle; a new writ ordered, June 9, 1784.—Richard Beckford; a merchant in London.—Thomas Fitzherbert.

WARWICKSHIRE. Sir Robert Lawley, bt.—Sir G. A. W. Shuckburgh, bt.

Coventry. Sir Sampson Gideon, bt.; changed his name to Eardley in July, 1789; was created baron Eardley of Spalding in Ireland, in Sept. 1789.—John Wilmot; a master in Chancery.

Warwick. Right hon. C. F. Greville.—Robert Ladbroke.

WESTMORELAND. James Lowther.—Sir Michael Le Fleming, bt.

Appleby. Hon. John L. Gower; brother to earl Gower.—Richard Penn.

WILTSHIRE. Charles Penruddock; died, a new writ ordered, December 4, 1788. —Sir James T Long; before in this parliament for Devizes; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, December, 1794.—Ambrose Goddard.

New Sarum. Hon. W. H. Bouverie.—William Hussey.

Wilton. George lord Herbert; made vice-chamberlain of his Majesty's household; a new writ ordered, Jan. 25, 1785.—Philip Goldsworthy; a lieutenant-colonel of dragoons, and aide-du-camp to the king; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, Feb. 1788.—George lord Herbert; succeeded his father as earl of Pembroke; a new writ ordered, January, 1794.—Right hon. W. G. Hamilton.

Downton. (D. R.) Hon. Ed. Bouverie; second brother to the earl of Radnor, his election declared void; a new writ ordered, July 19, 1784.—Hon. H. S. Conway; William Scott; not duly elected.—Rob. Shaftoe; duly elected. —Hon. Edward Bouverie; not duly elected.—Hon. William S. Conway; fifth son of the earl of Hertford; duly elected, and ought to have been returned.

Hindon. William Egerton.—Edward Bearcroft; king's counsel at law; made chief justice of Chester; a new writ ordered, July, 1788, he was re-elected.

Heytesbury. Right hon. William Eden; auditor, and one of the directors of Greenwich Hospital, and chancellor of Richmond, in the diocese of York; envoy extraordinary and plenipotentiary for commercial affairs at the court of France; made ambassador extraordinary and plenipotentiary at the court of Spain in 1787; in September, 1789, created baron Auckland in Ireland, and sent ambassador extraordinary and plenipotentiary to the States-General.—W. P. A'Court Ashe.

Westbury. Chal. Arcedeckne; made steward of the manor of East Hendred in Berkshire; a new writ ordered, Jan. 24, 1786.—John Maddocks; one of his Majesty's counsel at law.—Samuel Estwick.

Calne. James Townsend.—Joseph Jekyll; a barrister at law.—Right hon. Isaac Barré; made clerk of the pells, January, 1784.

Devizes. Sir James Tyl. Long, bt.; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, December, 1788, he was elected for the county of Wilts.—Joshua Smith.—Henry Addington; recorder of this borough; chosen Speaker, May 8, 1789.

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Chippenham. George Fludyer.—James Dawkins.

Malmesbury. Penyston viscount Melbourne; of Ireland; one of the gentlemen of the bedchamber to the prince of Wales.—James viscount Maitland; eldest son of the earl of Lauderdale; succeeded his father as earl of Lauderdale; a new writ ordered, January 22, 1790.—Paul Benfield.

Cricklade. Nicholas W. Coxe; hereditary usher of the court of Exchequer.—Robert Adamson. The chairman of the committee appointed to try this contested election, reported to the House, on the 4th of May, 1785, that the sitting members were not duly elected, and the petitioners, John Walker Heneage and Robert Nicholas, esqrs. were duly elected, and ought to have been returned.—Robert Nicholas; made a commissioner of excise; a new writ ordered, March 10, 1790.—Thomas Estcourt.

Great Bedwin. James marquis of Graham; only son of the duke of Montrose; a commissioner of the Treasury; made joint paymaster-general of the land forces; a new writ ordered, July 31, 1789, he was re-elected.—Robert Manners; son of the late lord Robert Manners; a lieutenant-colonel in the army, and one of the equerries to his Majesty.

Luggershall. Nath. W. Wraxall.—Geo. Aug. Selwyn.

Old Sarum. Hon. John C. Villiers; made comptroller of his Majesty's household; a new writ ordered, Feb. 1787, he was re-elected; made chief justice in Eyre, north of Trent; a new writ ordered, Feb. 19, 1790, he was re-elected.—George Hardinge; made a Welsh judge; a new writ ordered, November, 1787, he was re-elected.

Wotton Basset. Hon. George A. North; eldest son of lord North, and grandson of the earl of Guilford; under secretary to lord North, one of his Majesty's principal secretaries of state.—Hon. Robert S. Conway; third son of the earl of Hertford.

Marlborough. James earl of Courtown; made treasurer of his Majesty's household; a new writ ordered, August 19, 1784, he was re-elected.—Sir Philip Hales, bt.; a groom of his Majesty's bed-chamber.

WORCESTERSHIRE. Hon. Edward Foley.—William Lygon.

Worcester. Hon. William Ward; succeeded his brother as viscount Dudley and Ward; a new writ ordered, Feb. 1789.—Edmund Wigley.—Samuel Smith.

Droitwich. Hon. Andrew Foley.—Edw. Winnington.

Evesham. Chas. W. B. Rouse; created a baronet of Great Britain, June 21, 1791.—Sir John Rushout, bt.

Bewdley. Wm. Henry, lord Westcote.

YORKSHIRE. Henry Duncombe.—William Wilberforce.

York. Robert viscount Galway; of Ireland; comptroller of his Majesty's household; made a knight of the bath.—Richard Slater Milnes.

Kingston-upon-Hull. Samuel Thornton.—Wm. Wilberforce; made his election for the county of York; a new writ ordered, May 9, 1784.—Walter Spen. Stanhope.

Knaresborough. James Hare.—William viscount Duncannon.

Scarborough. George Osbaldeston.—George earl of Tyrconnel.

Rippon. William Lawrence.—Hon. Frederick Robinson; having signified to the Speaker his acceptance of a pension, a new writ ordered, Dec. 1787.—Right hon. sir J. Goodricke; a privy counsellor; died, a new writ ordered, July 8, 1789.—Sir George A. Winn.

Richmond. Murrough, earl Inchiquin; of Ireland.—Charles Dundas; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, Jan. 24, 1786.—Sir Grey Cooper, bt.; king's counsel in the duchy court of Lancaster.

Heydon. William Chaytor.—Lionel Darell.

Boroughbridge. Henry, viscount Palmerston; of Ireland.—Sir Richard Sutton, bt.

Malton. Sir Tho. Gascoigne, bt.; made steward of the three Chiltern Hundreds in the county of Buckingham.—Wm. Weddell.—Right hon. Edmund Burke.

Thirske. Sir Tho. Frankland, bt.; admiral of the white; died, and the Speaker issued his warrant to the clerk of the crown, December 18, 1784.—Robert Vyner, sen.—Sir Gregory P. Turner, bt.

Aldborough. Richard P. Arden; attorney general to his Majesty, and chief justice of Chester; made master of the rolls, and knighted; a new writ ordered, June 18, 1788, he was re-elected.—John Galley Knight.

Beverley. Sir James Pennyman, bt.—Sir Christopher Sykes, bt.

Northallerton. Henry Pierse.—Edward Lascelles; on the dissolution of this parliament he was created baron Harewood of Harewood in the county of York.

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Pontefract. John Smyth.—William Sotheron.

CINQUE PORTS.

Hastings. John Stanley; attorney-general to the king for the Leeward Islands.—John Dawes.

Dover. Robert Preston; a director of the East India company; one of the elder brethren of the Trinity-house, and a director of Greenwich Hospital.—Hon. James Luttrell; fourth son of the earl of Carhampton in Ireland; a captain in the navy, and surveyor-general of the ordnance; died, a new writ ordered, December, 1788.—John Trevanion.

Sandwich. Philip Stephens.—Charles Brett; a commissioner of the Admiralty.

Hythe. William Evelyn.—Sir Charles F. Radcliffe, bt.

New Romney. Sir Edward Deering, bt.; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, January 23, 1787.—Richard J. Sullivan.—Richard Atkinson; a merchant in London, and a director of the East India company; died, a new writ ordered, in 1785.—John Henniker.—Sir Elijah Impey, kt.

Rye. Right hon. C. W. Cornwall; chief justice in Eyre, north of Trent; chosen Speaker to this parliament; died, a new writ ordered, January, 1789.—Charles Long; joint secretary to the Treasury.—William Dickenson.

Winchelsea. John Nesbitt.—William Nedham.

Seaford. Henry viscount Neville; eldest son of the earl of Abergavenny; made steward of the three Chiltern Hundreds in the county of Buckingham; he was afterwards elected for the county of Monmouth; found not duly elected.—Sir Peter Parker; vice-admiral of the white; found not duly elected; a new writ ordered, May 21, 1784.—Sir John Henderson; sir Peter Parker; their election declared void, a new writ ordered, in 1785.—Sir John Henderson; sir Peter Parker; not duly elected.—Right hon. Henry Flood; sir Godfrey Webster, bt.; duly elected, and ought to have been returned.

WALES.

ANGLESEA. Nicholas Bayley; brother to the earl of Uxbridge.

Beaumaris. Hon. Hugh Fortescue; eldest son of lord Fortescue, on whose death he succeeded to the peerage, a new writ ordered, July 11, 1785.—Sir Hugh Williams, bt.; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, Sept. 1794.

BRECONSHIRE. Charles Morgan; died, a new writ ordered, May, 1787.—Sir Charles Gould; judge-advocate-general to the army, and chancellor of the diocese of Sarum; created a baronet of Great Britain, and obtained his Majesty's authority to assume the name of Morgan in August, 1792.

Brecon. Sir Chas. Gould; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, May, 1787, he was elected for the county.—Charles Gould; son of the late member.

CARDIGANSHIRE. Wilmot, earl of Lisburne.

Cardigan. John Campbell.

CARMARTHENSHIRE. Sir William Mansell, bt.

Carmarthen. John George Phillips.

CARNARVONSHIRE. John Parry.

Carnarvon. Glynn Wynn.

DENBIGHSHIRE. Sir Watkin Williams Wynn; died, a new writ ordered, Aug. 6, 1769.—Robert Watkin Wynne.

Denbigh. Richard Myddelton; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, April, 1786.—Richard Myddelton, jun.; son of the late member.

FLINTSHIRE. Sir Roger Mostyn.

Flint. Watkin Williams.

GLAMORGANSHIRE. Charles Edwin; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, August, 1789.—Thomas Wyndham.

Cardiff. Sir Herbert Mackworth, bt.

MERIONETHSHIRE. Evan Lloyd Vaughan.

MONTGOMERYSHIRE. Wm. Mostyn Owen.

Montgomery. Whitshed Keene.

PEMBROKESHIRE. Sir Hugh Owen, bt.; died, a new writ ordered, January 25, 1786.—Richard, lord Milford; lord lieutenant and custos rotulorum of this county.

Pembroke. Hugh Owen; changed his name to Barlow in 1789.

Haverford West. Richard, lord Milford; of Ireland; lord lieutenant and custos rotulorum of the county of Pembroke; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, January 24, 1786, he was elected for the county of Pembroke.—William lord Kensington.

RADNORSHIRE. Thomas Johnes.

Radnor. Edward Lewis.

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SCOTLAND.

SHIRES OF

Aberdeen. Alexander Garden; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, Jan. 18, 1786.—George Skene.

Ayr. Hugh Montgomery; made baggage master and inspector of the roads in Scotland; a new writ ordered, June 30, 1789.—William Macdowall; in the first part of this parliament for the county of Renfrew.

Argyle. Lord Frederick Campbell; made steward of the three Chiltern Hundreds in the county of Buckingham; he was re-elected, and during the vacancy he was appointed one of the vice-treasurers of Ireland.

Banff. Sir Jas. Duff, bt.; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, December, 1788. — James Ferguson.

Berwick. Patrick Home.

Bute. Hon. James Stuart.

Clackmannan. Hon. Charles Cathcart; brother to lord Cathcart; a lieutenant-colonel in the army; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, September, 1788.—Burnet Abercrombie.

Nairn. Alex. Campbell; a captain in the army; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, Nov. 16, 1785. —Alexander Brodie.

Dumfries. Sir Robert Laurie, bt.; a colonel in the army; made knight-marshal in Scotland; a new writ ordered, April, 1785, he was re-elected.

Dunbarton. Hon. George Keith Elphinstone.

Edinburgh. Right hon. Henry Dundas.

Elgin. James, earl Fife; of Ireland. On the dissolution of this parliament, he was created lord Fife, baron of Fife in the county of Fife.

Fife. Robert Skene; made a lieutenant-general; died, a new writ ordered, May, 1787. — William Wemyss; in this parliament before for the county of Sutherland; a major in the army, and deputy adjutant-general for North Britain; made a lieutenant-colonel in the army.

Forfar. Archibald Douglas; on the dissolution of this parliament he was created lord Douglas, baron of Douglas in the county of Lanark.

Haddington. Hew Dalrymple; made auditor of the new duties of excise of Scotland; a new writ ordered, July 11, 1786.—John Hamilton.

Inverness. Lord William Gordon; brother to the duke of Gordon; deputy ranger of St. James's and Hyde parks, and vice-admiral of Scotland.

Kincardine. Lord Adam Gordon; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, May 17, 1788.—Robert Barclay Allardyce.

Kirkcudbright. Peter Johnstone; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, July, 1786.—Alexander Stewart; lieutenant-colonel of a regiment of foot, and a colonel in the army.

Lanark. Sir James Stuart Denham, bt.; a lieutenant-colonel of a regiment.

Linlithgow. Sir William Augustus Cunningham, bt.

Orkney. Thomas Dundas, jun.; a colonel in the army.

Peebles. David Murray; brother of the late member.

Perth. James Murray.

Renfrew. William M'Dowall; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, July, 1786.—John Schaw Stewart.

Ross. Francis Humberstone Mackenzie.

Roxburgh. George Douglas; eldest son of admiral sir James Douglas; a lieutenant in the foot guards; succeeded his father as baronet in November, 1787.

Selkirk. John Pringle; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, March 25, 1786. — Mark Pringle; his Majesty's chamberlain and receiver of the crown rents of the forest of Etterick.

Stirling. Sir Thomas Dundas, bt.

Sutherland. William Wemyss; eldest son of the late member; a major in the army; made deputy adjutant-general for North Britain; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, May, 1787, he was re-elected for the county of Fife.—James Grant; a lieutenant-general in the army, and colonel of the 55th regiment of foot; in 1789 made governor of Stirling castle.

Wigton. Hon. Keith Stewart; made receiver-general of the land tax in Scotland; a new writ ordered, August 5, 1784.—Andrew M'Dowall.

Edinburgh City. James Hunter Blair; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, August 19, 1784.—Sir Adam Ferguson.

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Burghs of

Kirkwall, &c. Right hon. Charles James Fox; made his election for Westminster; a new writ ordered, April 18, 1785.—George Ross; died, a new writ ordered, April, 1786.—Charles Ross; eldest son of sir John Lockhart Ross; a captain in the army; made a major in the army; succeeded his father as baronet in .

Inverness, &c. Sir Hector Munro, k. b.; made colonel of a regiment of foot; made a lieutenant-general in October, 1793.

Elgin, &c. William Adam; a counsellor at law.

Aberdeen, &c. Sir David Carnegie, bt.

Forfar, &c. George Dempster.

Crail, &c. John Anstruther.

Kirkaldy, &c. Sir Charles Preston, bt.

Inverkeithing, &c. James Campbell; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, July, 1789.—Sir Archibald Campbell, k. b.; a major-general, and colonel of a regiment of foot.

Glasgow, &c. Ilay Campbell; lord advocate for Scotland; made lord president of the court of session in Scotland; a new writ ordered, January 27, 1790.—John Craufurd; chamberlain of the county of Fife.

Selkirk, &c. John Moore; a captain in the army; made major to a regiment of foot.

Haddington, &c. Francis Charteris; his father succeeding to the earl of Wemyss in May, 1787, he was then styled lord Elcho, and becoming thereby incapable of representing any place in Scotland in parliament, a new writ was ordered, May, 1787.—William Fullarton.

Dumfries, &c. Sir James Johnstone, bt.; a lieutenant-colonel in the army on half-pay.

Wigton, &c. William Dalrymple; brother to the earl of Stair; a major-general in the army.

Ayr, &c. Sir Archibald Edmonstone, bt.

Sixteen Peers of Scotland.

Duke of Queensbury, (created a peer of Great Britain, Aug. 21, 1786. The earl of Selkirk in his stead).
Marquis of Lothian.
Earl of Morton.
Eglintown.
Cassilis.
Moray.
Balcarras.
Breadalbane.
Earl of Abercorn; (created a peer of Great Britain, Aug. 24, 1786. Lord Kennaird chosen in his stead).
Galloway.
Dalhousie; (died in 1787. Lord Cathcart in his stead).
Aberdeen.
Dunmore.
Hopetown.
Viscount Stormont.
Lord Elphinstone.

Choice of a Speaker.] The Commons being returned to their House, the Marquis of *Graham* rose, and addressing himself to the Clerk (who, standing up, pointed to him, and then sat down), observed, that the House was then, in obedience to his Majesty's commands, about to elect a Speaker. To the old members he had no occasion, he said, to urge the importance of that great officer of the House; they must have learnt that from experience: to the new members only did he therefore think it his duty to recommend this consideration, that it was in the House of Commons the voice of the people was constitutionally to be heard (and from the late elections he had reason to say, that the people had taken uncommon pains in the choice of their representatives), and therefore they must be aware of the great importance of the office which was to be filled by a person who was to be the voice of a House, that ought to be the voice of the people: they would, therefore, agree with him, that no one was fit for that situation, who did not possess great knowledge of the constitution, and who was not very well versed in the history and forms of parliament. To the knowledge of these essential requisites ought to be added sufficient strength of body to enable the person to discharge the duties of a very laborious and fatiguing office. The gentleman whom he intended to propose for the choice of the House, possessed in a very eminent degree those qualifications which were necessary for a Speaker of the House of Commons; the constitution which he had once already carried into that office, was still unbroken; and having already served the public with honour to himself, satisfaction to the House, and advantage to the nation, he still possessed his strength unimpaired, and was able to go through the fatigue of the office. The House, he observed, must see from this description, that the late Speaker was the person whom he intended

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to make the subject of the motion, which he was about to submit to their consideration. On the merits of that gentleman he could dwell with pleasure; but as they stood not in need of his panegyric, so it would be unnecessary to take up any more of the time of the House in recommending to their choice a person whom every one know to be highly qualified for the station which was then to be filled. He concluded by moving, "That the right hon. Charles Wolfran Cornwall do take the Chair of this House."

Sir *George Howard* seconded the motion. He observed, that the name of the right hon. member carried with it a panegyric; the happy evenness of Mr. Cornwall's temper would prevent him from being discomposed by the irregular and disorderly sallies of members in the heat of debate, and his firmness would prevent him from being disconcerted by the violence into which impetuosity of temper might hurry any of the members, while his impartiality would make him to hold the balance even between both sides of the House. He was of opinion that the House would not expect him to pronounce the panegyric of the right hon. gentleman, whose merits and qualifications for the office of Speaker were already so well known. He therefore would content himself with saying, that he felt particular pleasure in seconding the motion of the noble lord, which he hoped would be carried without a dissentient voice.

Mr. *Cornwall* returned his thanks to the noble lord who made the motion, and to the hon. general who seconded it: their partiality to him was highly flattering; and he assured them, to the end of his life he should remember it with the most lively gratitude. His abilities, such as they were, but which had been greatly overrated, were at the service of the House. But, though he was willing to undergo the fatigue of the honourable office to which the two respectable members wished to call him, still it would be very improper in him to take upon him an employment for which he knew so many other members to be infinitely better qualified; he therefore intreated the House to think of some more proper person for their Speaker.

Mr. *Fox* (who took his seat for Kirkwall, pending the Westminster Scrutiny) rose next. He said he did not mean to oppose a motion which he trusted would meet the general approbation of the House; and still less to comply with the request of the right hon. gentleman, who, though so well qualified for the chair, wanted to excuse himself from filling it. On the contrary, he rose to hail the happy omen with which the new parliament had just opened; for surely it was a happy omen that the Speaker of the last parliament—a parliament which posterity would pronounce the most glorious that had ever met in this country—was, by the friends of the present administration, called to the chair in the new parliament. The motion did honour to the quarter of the House from which it came; and would do honour to any quarter of it. He, too, could dwell with pleasure on the merits of the right hon. gentleman; but the House was already sufficiently impressed with a sense of them; and therefore he would spare both their time and the modesty of the right hon. gentleman. But there was a circumstance which he felt it to be his duty not to pass over unnoticed, as it ought to be brought under the consideration of the House, with all convenient speed, after the election of a Speaker. The House, he observed, in its present state, was incomplete; for the very city in which he was then speaking, had no representative in it; the high bailiff having, without even a shadow of pretence to justify his conduct, refused to return the members who had been duly elected. By the audacity of his behaviour he had struck at the most essential and fundamental privileges of the House, which he had treated in the most contemptuous manner; for he would not hesitate to say, that the most audacious returning officer that had ever been punished by a House of Commons, had never made so daring an attack upon their privileges as that which had been made yesterday by the high bailiff of Westminster; indeed, the bare reading of the Special Return that he had made, would prove at once what little ground there was for his refusing to return the members, and how cheap he held the privileges of that House. The conduct of the high bailiff was so very audacious, that he was convinced he acted under the influence of some who ought not to have any thing to do with the elections of members to serve in parliament. The representation not being complete in the House, might be urged even as a reason for not proceeding to the election of a Speaker: for though, by law, there ought to be 558 members, out of whom a Speaker might be chosen, that number had not been returned to the

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House, as Westminster was at this moment without representatives. He would not then state to gentlemen the dangers that might befal the constitution, if returning officers were permitted with impunity to suspend returns without even a shadow of ground for such contempt of their duty: he would barely suggest, that if the returning officer of Rye [the place for which Mr. Cornwall sat] had acted in as unbecoming a manner as the high bailiff of Westminster, the House would not at this moment have it in their power to call to the chair that gentleman, who, on all sides, was acknowledged to be best qualified to fill it. This, he said, was not the moment for discussing this point; but he gave notice that he would take the earliest opportunity to bring it under their consideration; and as it was a business which would involve the dearest privileges, nay, the very existence of parliament, he would certainly move, unless some other member should do it, that the conduct of the high bailiff of Westminster should be taken into consideration before the House should proceed to vote an Address in answer to the Speech that his Majesty would make from the throne to-morrow.

Mr. Chancellor *Pitt* said, that he concurred most cordially in the praise which had been so very justly given to the right hon. gentleman, who was the subject of the motion then before the House; and from the general concurrence with which he perceived it would be carried, he drew the happy omen, that in this parliament there would be so much candour, that gentlemen would debate every motion on its own merits, without considering by whom it was made, or from what quarter of the House it came; and that they would not withhold confidence from ministers without assigning any reason for so doing. He was willing to admit, that if the House was incomplete, through the misconduct of any returning officer, such a circumstance was so intimately connected with the very existence of the House, that it ought to take the lead of every other business, and be made a subject of inquiry, without a moment's delay: but still he submitted to the right hon. gentleman, whether any proceeding at this moment was not premature: the right hon. gentleman had said, that the bare reading of the special return made by the high bailiff of Westminster would convince any man that there was not a shadow of ground to justify the conduct of the high bailiff in refusing to return the two candidates who stood highest on the poll; but gentlemen would recollect, that until the House should have elected a Speaker, the return could not be read; and therefore they must wait some time for that conviction, which, it was said, would attend the bare reading of the return. On the other hand, he begged gentlemen would suspend their judgment on the subject, until they should have heard the return read, and not suffer themselves to be hurried away inconsiderately to adopt the opinions and assertions of the right hon. gentleman, as convincing arguments on this point.

The marquis of Graham and sir George Howard then went over to Mr. Cornwall, who was sitting by the side of Mr. Fox; and each taking him by an arm, led him to the chair. Mr. Cornwall, standing on the steps of the chair, thanked the House for the high honour they had conferred upon him. But though they had refused to comply with the request he had made to them, to elect some other person more qualified than he was to fill the chair, still he could not acquiesce in their determination to fix him in the chair; and therefore he would put up his prayer to his Majesty, to relieve him from the burthen, so far above his strength, which the House had resolved to impose upon him. But the members cried, No! no! And thereupon he sat down in the chair; and then the mace (which before lay under the table) was laid upon the table. Then viscount Galloway having congratulated the Speaker elect, the House adjourned till to-morrow.

The King's Speech on Opening the Session.] May 19. The Commons attended his Majesty at the bar of the House of Lords; and the Speaker elect being approved of, his Majesty opened the session with the following Speech to both Houses:

"My Lords and Gentlemen;

"I have the greatest satisfaction in meeting you in parliament at this time, after recurring, in so important a moment, to the sense of my people. I have a just and confident reliance, that you are animated with the same sentiments of loyalty, and the same attachment to our excellent constitution, which I have had the happiness to see so fully manifested in every part of the kingdom. The happy effects of such a disposition will, I doubt not, ap-

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pear in the temper and wisdom of your deliberations, and in the dispatch of the important objects of public business which demand your attention. It will afford me peculiar pleasure to find, that the exercise of the power entrusted to me by the constitution, has been productive of consequences so beneficial to my subjects, whose interests and welfare are always nearest my heart.

"Gentlemen of the House of Commons;

"I have ordered the estimates for the current year to be laid before you; and I trust to your zeal and affection to make such provisions for their farther supply, and for the application of the sums granted in the last parliament, as may appear to be necessary. I sincerely lament every addition to the burthens of my people; but they will, I am persuaded, feel the necessity, after a long and expensive war, of effectually providing for the maintenance of the national faith and our public credit, so essential to the power and prosperity of the state.

"My Lords and Gentlemen;

"The alarming progress of Frauds in the Revenue, accompanied in so many instances with violence, will not fail on every account to excite your attention. I must, at the same time, recommend to your most serious consideration, to frame such commercial regulations as may appear immediately necessary in the present moment. The affairs of the East India Company form an object of deliberation deeply connected with the general interests of the country. While you feel a just anxiety to provide for the good government of our possessions in that part of the world, you will, I trust, never lose sight of the effect which any measure to be adopted for that purpose may have on our own constitution, and our dearest interests at home. You will find me always desirous to concur with you in such measures as may be of lasting benefit to my people: I have no wish but to consult their prosperity, by a constant attention to every object of national concern, by a uniform adherence to the true principles of our free constitution, and by supporting and maintaining, in their just balance, the rights and privileges of every branch of the legislature."

Debate in the Lords on the Address of Thanks.] His Majesty and the Commons having retired,

The Earl of *Macclesfield* rose to move an Address of Thanks. He said he was independent of any set of men, and although he had a good opinion of the present ministers, he was by no means a blind partisan. It was principle which in this instance induced him to stand forward, and he would state his reasons in a very few words. A difference had taken place in the late House of Commons, by which the necessary business of the kingdom was totally interrupted; the parties were so nearly equal, that it was difficult to determine between them; the contest continued, till at length the nation took the alarm, and addresses poured in from every quarter to the throne, praying redress, condemning the proceedings of numbers of their representatives, denying their speaking the sentiments of their constituents, and almost demanding a dissolution of parliament; to this his Majesty was most graciously pleased to acquiesce, and in the fulness of his affection had appealed to the voice of his people. His lordship then entered into the merits of the Speech, and declared the royal attention was so conspicuous in every part of it, that he trusted their lordships would feel it as a duty incumbent on them to pass an Address of Thanks unanimously. After dwelling some time on the different parts of the Speech, particularly the entering immediately on the dispatch of public business, the preventing frauds in the revenue, the necessity of immediate regulations in the affairs of the East India Company, and the promise of supporting the just balance of every branch of the constitution, his lordship moved the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"Deeply sensible of the blessings we enjoy under your Majesty's government, we desire to express our satisfaction and gratitude, that, in the exercise of the powers vested in you by the constitution, your Majesty has been graciously pleased to recur to the sense of your people, at a conjuncture when the situation of public affairs called aloud for that exertion.

"Animated with the truest sentiments of loyalty to your Majesty's person and government, of attachment to our excellent constitution, and of regard for the

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public welfare, your Majesty may safely rely, that we will enter upon the important objects of public business, which call for our attention, with temper and assiduity, and that we will prosecute them with all the dispatch of which their nature will admit.

" In pursuit of those objects which your Majesty has been pleased to recommend to our consideration, we beg leave to assure your Majesty, that we will apply ourselves with industry to the stopping the alarming progress of frauds in the revenue; and that we shall be ready to co-operate with the other branch of the legislature, in framing such farther commercial regulations as the present circumstances may require.

" Convinced, as we are, how materially the situation of the affairs of the East India Company is connected with the general interests of the country, and that it forms a most important subject of deliberation, your Majesty may depend, that in applying our utmost attention to provide for the good government of our possessions in India, we shall well and anxiously weigh the effect which the measures we may adopt may have upon the invaluable constitution of Great Britain.

" We beg leave humbly to assure your Majesty, that we have the fullest conviction of your Majesty's paternal care and affection for your people, and that the prosperity of your subjects is the first object of your royal attention; which could not be more fully manifested than in the resolution your Majesty has taken to support and maintain, in their just balance, the rights and privileges of every branch of the legislature."

Lord *Falmouth* was happy to second the motion for an Address. It corresponded, he said, with every sentiment of his heart, and breathed a language of loyalty and attention to the great principles of the constitution, which did honour to their lordships. He could not help repeating with the most heart-felt satisfaction, that part which thanked his Majesty for such an exertion of his prerogative as had produced a general appeal to the people. The result of that appeal was as flattering to the best of sovereigns, as it was grateful to all the genuine lovers of their country. It recalled the attention of the public to those fundamental principles on which the united fabric of the constitution rested, and encouraged the servants of the crown to proceed to the public business with every prospect of assistance and dispatch. For his own part, he professed the fullest confidence in the abilities, the vigour, and the virtues of his Majesty's servants. They were the men, in his opinion, of all others, most likely to accomplish the several great objects which the Best of Kings had so much at heart.

Earl *Fitzwilliam* did not rise to oppose the motion for an Address. He wished only to remark on one circumstance contained in it. It was replete with sentiments of gratitude to his Majesty for the late dissolution of parliament. This was a point to which he could by no means give his concurrence. He thought his Majesty's exercise of the prerogative reposed in him at the period of dissolution unnecessary and unwarrantable. And though he would not directly oppose the motion for an Address on that particular ground, yet he could not refrain expressing his sentiments of disapprobation of the measure, and on his legs publicly protesting against it.

The Address was then agreed to.

The King's Answer to the Lords Address.] To the above Address the King returned this Answer:

" My Lords;

" I thank you for this very loyal and dutiful Address. I receive with great satisfaction every fresh mark of your attachment to me, and your zeal for the public interests, and for the preservation of our most excellent constitution."

Debate in the Commons on the Return made by the High Bailiff of Westminster.] May 24. Notice being taken of the Return or Answer made by Thomas Corbett, bailiff of the city of Westminster, to the Precept of the sheriff of the county of Middlesex, for the electing two citizens to serve in this parliament for the said city, and which Return, or Answer, is inserted in the book of returns; the same was read, as follows:

" The sheriff of the county of Middlesex certifies and returns, that by virtue of the writ to him directed, he, on the 26th March, in the 24th year of his present Majesty's reign, duly made and delivered his precept to the bailiff of the liberty of the dean and chapter of the collegiate church of Saint Peter, at Westminster, whereby he commanded him, without delay, to cause two citizens to be elected

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for the said city; and that on the 17th May, in the year aforesaid, he did receive from the said bailiff a Return, or Answer, to the said precept, and which he hath annexed to the writ to him the said sheriff directed, and which Return, or Answer, is in the words and figures following:

"Thomas Corbett, bailiff of the liberty of the dean and chapter of the collegiate church of Saint Peter, at Westminster, in the county of Middlesex, doth hereby certify unto the sheriff of the said county of Middlesex, that by virtue of a certain precept, dated the 26th day of March last, and on the same day delivered to him the said bailiff by the said sheriff, for the election of two citizens to serve in the ensuing parliament for the city of Westminster; and by virtue of the writ therein recited (proclamation of the premises in the said precept first-mentioned, of the day and place as in the said precept is directed, first being made) he the said bailiff did proceed to the election of two citizens to serve in the ensuing parliament for the said city of Westminster, on the 1st day of April now last past, on which day appeared and were put in nomination the three candidates hereinafter named; and a poll being demanded, he the said bailiff did forthwith proceed to take the said poll, and continued to take the same, day by day, during six hours each day; viz. from nine in the forenoon to three in the afternoon, until the day of the date of these presents, inclusive, on which day the said poll was finally closed, when the numbers on the said poll for the said several candidates stood as follows; viz.

For the Right Hon. Sir Samuel Hood, bart., Baron Hood of the kingdom of Ireland - -	6,694
For the Right hon. C. J. Fox -	6,233
For Sir Cecil Wray, bart. - -	5,998

"And the said bailiff farther sets forth, that on the said final close of the poll, a scrutiny was duly demanded in behalf of the said sir Cecil Wray, which scrutiny the said bailiff has granted for the purpose of investigating the legality of the votes more accurately than could be done upon the said poll, and the said scrutiny so granted is now pending and undetermined; and, by reason of the premises, the said bailiff humbly conceives he cannot make any other or further return to the said precept, than as hereinbefore is contained, until the said scrutiny shall be determined, which he fully intends to proceed upon with all practicable dispatch. In witness whereof, he the said Thomas Corbett, bailiff of the said liberty, hath hereunto set his hand and seal, the 17th day of May, 1784.

"Thomas Corbett, Bailiff."

Mr. *Lee* then rose to bring the said Return of the high bailiff of Westminster under the consideration of the House. The conduct of that officer appeared to him to be such, that he held himself warranted, as a lawyer, in saying that it was illegal, contrary to his known duty, and to the express and positive law of the land. He hoped that if he was right in all these positions, or in any one of them, the House would readily agree to the motion which he intended to make. He said that if there was one principle in parliamentary law more clear or more indisputable than another, it was this, that a writ ought to be returned on the day on which in the writ itself it is made returnable. This position appeared so evident from the words of the 10th and 11th of Will. 3, that when he first heard of the Return that had been just read, he firmly believed the measure must have been advised by persons who either did not know that such an Act was in existence, or who had suffered it entirely to escape their memory. To convince the House that he was well founded in this, he needed only to read the particular part of the Act to which he alluded, chap. 7. The words are, "For preventing abuses in the returns of writs of summons for the calling and assembling of any parliament for the future, or writs for the choice of any new member to serve in parliament; and to the end such writs may, by the proper officer or his deputy, be duly returned and delivered to the clerk of the crown, to be by him filed, according to the ancient and legal course: be it enacted by the king's most excellent majesty, &c. that the sheriff, or other officer, having the execution or return of any such writ which shall be issued for the future, shall, on or before the day that any future parliament shall be called to meet (and with all convenient expedition, not exceeding fourteen days after any election made by virtue of any new writ), either in person, or by his deputy, make return of the same to the clerk of the crown in the high court of Chancery, to be by him filed," &c. Now, he asked whether any impartial man could lay his hand upon his breast and say, that the high bailiff had

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complied with the positive injunction of this Act? Had he returned the writ or præcipe? Had he made any return? He contended, and on this he was ready to stake his character as a lawyer, that the Return which had been just read was no return at all within the statute that he had quoted: and on this head the statute should speak for itself, and prove, that within the purview of the Act, the return enjoined by it was a return of members; for immediately after the passage quoted by him from the statute, follow these words: "and the sheriff or other person making such return, shall pay to the said clerk of the crown the ancient and lawful fees of four shillings, and no more, for every knight of the shire; and two shillings, and no more, for every citizen, burgess, or baron of the Cinque-ports, returned into the said court, to be by him filed." From this Act, then, it appeared most evident that the writs for calling a new parliament ought, by law, to be returned on or before the day on which the parliament is to meet: that on that day the members for election, on whom the writs are issued, ought to be returned; and that the returning officer could not, without a manifest violation of law, refuse to make a return of such members. As to the fourteen days mentioned in the Act, they were allowed only after elections, for filling up vacancies during a parliament; and therefore did not apply to the present case, which related to a new parliament. This, then, being the case, he was founded in saying, that the high bailiff of Westminster had acted contrary to law, and consequently contrary to his duty. That he knew it was his duty to make a return on or before the day of the meeting of the parliament, was pretty obvious from this circumstance, that of his own authority he closed the poll on the 18th inst. the day before the present parliament met. Now what was the justification of his conduct that the high bailiff had set up? It was simply this, that a scrutiny had been demanded, which he had thought proper to grant. This, surely, at best, would have been but a lame excuse; but it had not even the shadow of an excuse in the present case, because the scrutiny was granted at a time when by law it ought to have been refused; because the law had rendered the business of a scrutiny impossible, as it could not, in the present case, take place at all, the period for carrying on a poll, of which a scrutiny is only a continuation, elapsing on the very day when the scrutiny was demanded. For his part, he would very freely confess that he was an enemy to scrutinies, and so had the House ever been, and for this plain reason: that the returning officers who carry them on, have not the necessary powers to carry them on with any effect: they cannot issue any summons to compel the attendance of witnesses, and they have not the power of tendering an oath to such as may voluntarily attend the tribunal. He did not mean, however, to say, that it was illegal to grant a scrutiny; he was, on the contrary, ready to admit the legality of a scrutiny, provided it was concluded before the day on which the writs are returnable; but beyond that day he would not admit it to be legal. Enemy as he was in general to a scrutiny, he would not say that, within the verge of possibility, a case might not arise in which it might be proper to grant one; but this much he would say, that in the whole course of his experience (which, by-the-bye, lay very much in questions of elections), he never met a case in which it would not have been infinitely more proper to refuse than grant a scrutiny; and he asked any professional gentleman on the other side, whether the general sense of parliament and of select committees did not go with him in this assertion? By the expressed sense of parliament, and the opinions of the ablest men, he was ready to try the merits of the species of return which had been made by Thomas Corbett. It was the opinion of that great lawyer, the late Mr. Chancellor Yorke, that the numbers on the poll were absolutely binding upon the returning officer; and the reason of this opinion was obvious; it was, that the returning officer ought not to suffer the name of a person not duly qualified to vote, to be upon the poll; but its being once admitted, it was conclusive against the returning officer, who could not afterwards object to it, without impliedly admitting that he had been remiss in his duty in suffering any one to vote who was not legally qualified. The poll, then, was to be the returning officer's guide, and as he ought not to admit improper persons to vote, so he ought not himself to arraign his own poll, and suppose that persons not duly qualified had been by him permitted to vote. He did not mean in the present stage of the business to move for the punishment of the high bailiff; his only object this day

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was, to propose to the House to resolve what he ought to have done; and yet if he were to go the full length this day of moving that he should be taken into custody, the precedents of the House would bear him out in making such a motion, for on a similar occasion the sheriffs and other returning officers, as had been the case in 1702, in the Cumberland election, had been attached without any previous step, and simply on the ground, that the king having commanded them to return members to serve in parliament, and an express statute enjoining them to return them on or before a particular day, the omission of a return of members on that day was in itself a palpable violation of an act of parliament. Nay, so jealous had former Houses of Commons been of their privileges, that when all their members were not returned, they not only imprisoned those who omitted to make the returns, but they frequently refused to proceed to business till all the returns were made. And indeed he was not surprised that they should be so jealous on this head, for if scrutinies were to be permitted after the day on which the writs are made returnable, not only the House and select committees under Mr. Grenville's Act would be robbed of their jurisdiction, which by law belongs to them, but the returning officers would have it in their power to keep whom they pleased out of parliament. This was the case at present with lord Hood, against whose majority nothing had been alleged by any one, and yet the noble lord was to be deprived of his seat, and the electors of Westminster of their representative, for the Lord knew how long, because it had pleased Mr. Corbett to transgress an act of parliament. This was no question of party; he declared upon his honour and upon his conscience, that if lord Hood alone were interested in the event of this question, he would make the motion that he was now going to submit to the House; because he thought that the rights and privileges of the Commons had been invaded, and that it was the duty of every honest member to maintain those privileges, upon which depends the very existence of the constitution. He then moved, "That Thomas Corbett, bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter, at Westminster, whose duty it was to execute the precept directed to him by the sheriff of Middlesex, for the election of two citizens to serve in the present parliament for the city of Westminster, and to return the same to the sheriff on or before the 18th of May instant, being the day on which the present parliament was appointed to be holden, having proceeded to take, and having finally closed the poll before the said 18th day of May, ought to have returned two citizens to serve in parliament for the said city."

Mr. *Sheridan* seconded the motion.

The *Master of the Rolls* (sir Lloyd Kenyon) said, that nothing had ever surprised him more than the conduct of his learned friend, who ought to be so strict an observer of those principles laid down by law and reason, without which justice could not be administered between man and man; the great principle to which he principally alluded, and which his learned friend seemed to have totally overlooked on the present occasion, was that which bound a judge not to condemn on partial evidence, and not to punish any man without having first given him a hearing: *audi alteram partem* was an eternal and immutable law of justice, by which every tribunal was bound. But it was not a little singular, that while his learned friend was condemning a returning officer for what he called a breach of law, he himself was endeavouring to persuade the House to violate the most obvious rule of law, justice, and equity; for he was calling for censure and for punishment on the high bailiff, without giving that gentleman an opportunity to defend himself. If, upon hearing, that returning officer should be found to have transgressed the law, it would be proper that he should be punished; but as guilt must ever precede punishment, so inquiry should precede conviction. Was the House in possession of the reasons that induced the high bailiff to grant a scrutiny, and to make that kind of return which had been read at the table? If those reasons were as yet unknown to the House, would it not be premature, would it not be a perversion of the laws of justice, to condemn the man unheard, untried? The learned gentleman knew very well, that the right of demanding a scrutiny was a common law right; and the Act for regulating the elections in the city of London recognized this right, when it said that "if a scrutiny is legally demanded," &c. If, then, it was legal to demand it, it must be legal to grant it. The learned gentleman insisted, that the writ being returnable at a particular day, the power of the officer who acted under it, expired

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on that day; and that he could not legally act under it after that day, and consequently that he ought not to have granted a scrutiny, because, said the learned gentleman, after the return-day he could not legally carry it on. The learned gentleman ought to know that there were other courts out of which the writs issued, as well as out of Chancery; and that when a sheriff gave a sufficient reason for not having executed a writ, the courts would excuse him, and enlarge the term. For instance, when a *fieri facias* was issued to a sheriff, and in consequence of it he seized the defendant's goods; if he had not had time to sell them before the day on which the writ was returnable, he stated the special matter in his return, and the court then gave him a longer term. Or supposing he should make this return, which would be more apposite to the present case; that having been directed to sell the goods of A, and having taken possession of goods which he supposed to belong to A, they had been claimed by B, as his property; that doubting therefore to whom they really belonged, he had not sold them, but had instituted an inquiry, and was going to hold a court *de proprietate probandi*, and that he would cause the goods to be sold, if he should find that they were the property of A. In this case, he said, the court would of course renew the writ, and order him to proceed. To this case was perfectly analogous that of the late election for Westminster; and this House would, he hoped, do what the courts below would certainly order on a similar occasion. As to Mr. Corbett, he was totally unacquainted with him; but he heard he was a gentleman far advanced in years, of very good character and large fortune, and that he was an impartial officer, unconnected with any party; he hoped, therefore, that the House would, with respect to him, rigidly adhere to that principle of law and justice which forbid the condemnation of any man unheard. Trusting, therefore, that the House would not shut their ears to the good old maxim, *audi alteram partem*, he intended to move the previous question, in order that a motion might afterwards be made for ordering the attendance of the high bailiff at the bar of the House, to answer for his conduct. He accordingly moved the previous question.

Lord *Mahon* seconded the motion. He began by observing that Mr. Lee had laid down a great deal of law on the subject of elections, but that for reasons best known to himself, he had neglected to give to the House any information that was applicable to the case of the late Westminster election. The learned gentleman has, said the noble lord, informed the House, that, on a scrutiny, the high bailiff had no authority by law to administer an oath to any person to be examined as an evidence, and therefore the scrutiny had been lawfully demanded and granted: he objects to its being permitted to go on; but it would have been kind in the learned gentleman, if he had imparted rather more of his legal knowledge to the House, by informing this assembly of what is equally unquestionably true, namely, that it is not in the power of the high bailiff to administer such an oath even during the poll. Yet the learned gentleman must acknowledge that the law makes the high bailiff a judicial officer during the poll. He has, then, no reason to object to his acting in the same capacity with the same powers during the poll.

The learned gentleman has said much about oaths, with which he appears to be pretty conversant; it would have been as well if he had had the goodness to inform the House, that the returning officer by law is obliged to take an oath previous to his acting in that capacity; that oath is to be found in the statute of the 2d Geo. 2, ch. 24, s. 3, and it contains these words:—"I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of legal votes." It is evident, from the nature of this oath, that the returning officer is by law not only a ministerial, but a judicial officer. He is ordered to form a judgment before he makes his return. The law which enacts that any man is to judge, does, of course, enact that he is first to hear the cause on which he is to decide. If he is to hear the cause, he must evidently take such time as shall be absolutely necessary for him to hear it. Between 12 and 13,000 persons have polled at the late Westminster election. The returning officer had it not in his power to examine the validity of all these votes during the poll; therefore he takes a longer time to hear the cause; that is to say, he grants a scrutiny. Upon what, in his judicial capacity, is he to form a judgment? Upon the majority of legal votes. He is now going upon that inquiry, agreeable to the solemn oath which

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he has taken. After he has heard the cause and formed a judgment, what is he to do next? Read the oath, and it will appear that he is then, and not before, to make his return of the person or persons who shall appear to him to have the majority of legal votes. Nothing, therefore, can be more clear, than that the returning officer, having taken that oath, did right to grant a scrutiny, if legally and duly demanded; provided that he had it not in his power to have scrutinized all the votes during the poll, and provided he had good reason to doubt (after the poll was concluded) whether both or either of the persons who had the apparent majority on the poll had the real majority of legal votes.

The learned gentleman has not chosen to put his law in jeopardy in this House, by maintaining the very singular argument, which the newspapers inform us was made use of out of this House, not by a learned, but by an ingenious and right hon. gentleman (Mr. Fox), who was pleased to say, that the high bailiff could not proceed in this scrutiny; because, from the moment that the writ became returnable, the high bailiff was *functus officio*, and was as little capable, in law, of going on with the scrutiny, or of making a return for Westminster, as if he were merely the high bailiff of any other city, or as if he were the sheriff of Cumberland. On the day the writ became returnable, the returning officer for Westminster could form no judgment who had the majority of legal votes. He then determined to take the necessary time to hear the evidence, on which he was to form his judgment. He has the power, (nay, it is his duty) after having formed his judgment, to make, agreeably to his oath, a return of members. He is, therefore, clearly not *functus officio*, but is bound to make a return, which return must evidently follow, and not precede his forming a judgment upon the question of the majority of legal votes. If he be not *functus officio* when he makes the return, it is evident that he cannot be *functus officio* during the scrutiny.

The learned gentleman has quoted to the House, as an unanswerable proof of the delinquency of the high bailiff, the 10th and 11th Will. 3, ch. 7, s. 1. It is not a little singular, that any man, calling himself a lawyer, should quote that statute for that purpose. He would be bold to maintain, that that law related to writs and to writs only, and had nothing to do with precepts; and gentlemen well knew, that a writ had been issued from the clerk of the crown to the sheriff of Middlesex, and that the sheriff did then deliver, not a writ, but a precept, to the high bailiff of Westminster. The Act never mentions the word precept. The penalty of 500*l.* that it inflicts, is relative to the return of writs; and as it is a penal statute, it must be construed literally, and not otherwise. The reason why it alludes to writs only, will appear evident, from an attentive examination of the principle of the law of elections, as contained in the statutes of the 5th Rd. 2, ch. 4.; of the 7th Hen. 4, ch. 15.; of the 11th Hen. 4, ch. 1.; of the 23d Hen. 6, ch. 14.; and of the 7th and 8th Will. 3, ch. 7. That this statute of the 10th and 11th Will. 3, does not allude to precepts, but to writs only, is farther evident, from this consideration; that it is enacted therein, that "the sheriff (or other officer) making such return, shall pay to the clerk of the crown, the ancient and lawful fees of four shillings," &c. Now it is evident that the high bailiff of Westminster has no fees to pay to the clerk of the crown; and therefore this Act does not relate to his precept, but solely to writs. The other words of the Act make it equally clear. Some gentlemen may argue, that the said statute is not confined to writs, because it speaks of "the sheriff, or other officer, having the execution and return of any such writ." But the second section clearly explains who is meant by that other officer, namely, the proper officer of the Cinque-ports, to whom an additional time is allowed to issue the precepts therein mentioned, and who has the return of a writ, as well as the sheriff of a county. But let it be supposed for a moment that that Act does extend to the return of precepts as well as writs. Then it will be answered by the high bailiff, that a return has been made in due time, viz. a special return: therefore the high bailiff has complied with the direction of the law.

But he would demonstrate, even admitting that the 10th and 11th Will. 3 did fully extend to the case of the high bailiff of Westminster, that the House ought not to censure him, but to order him to proceed in his scrutiny, provided the high bailiff could show that he had granted it on good grounds. The statute enacts, in the first place, that, in the case of a ge-

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neral election, a return shall be made to the clerk of the crown, "on or before the day that the parliament shall be called to meet." Next, that in the case of "any new writ," issued in the middle of a parliament, a return shall be made to the clerk of the crown, "with all convenient expedition, not exceeding fourteen days after the election."

Lord Mahon then alluded to the famous case of the Westminster election, when lord Trentham and sir George Vandeput were the candidates, and which election was in consequence of a new writ in the middle of a parliament.*

On the 22d of Feb. 1749, "Notice is taken that no return had been made to the writ for the electing a citizen to serve in parliament for the city of Westminster." Upon this the House ordered the high bailiff to attend. He attended accordingly and was examined. Did the House commit him? No. Did the House order him to make a return before he had finished the scrutiny which he had granted? No. Did the House censure him for having disobeyed the 10th and 11th of Will. 3, by not having made a return within the first fourteen days after the election? No.—"The Speaker (by direction of the House) recommended to him some particulars of his duty; assured him that the House would support him in the discharge thereof, and recommended to him all possible dispatch." The House ought, therefore, in the present instance, not to prejudge the question. They ought to do, what the House wisely did in 1749, order the high bailiff to attend, and hear him before he is condemned. If the House, after having examined him, should be of opinion that he did right to grant a scrutiny, they ought strictly to follow the precedent of 1749, by ordering the high bailiff "to take care to expedite the election as much as possible." [Mr. Fox cried out, Hear! hear!]

I now find, (said lord Mahon) the manner in which the right hon. gentleman, who cries hear, means to argue this question. He means to admit, that the case of the former Wesminster election would, in substance, be similar to the present, if the 10th and 11th Will. 3 had enacted, in the case of a new writ in the middle of a parliament, that the return shall be made (not within 14 days after the end of the election, but) within 14 days after the end of the poll. The right hon. gentleman means to ground his right to be returned, upon the distinction between the poll and the election. He means to argue, that the return in the former Westminster election was right, because (though it were made months after the poll) it was made previous to the 14th day after the election. Why? Because the right hon. gentleman means to contend that the scrutiny was part of the election. That the scrutiny not being concluded, the election was not concluded; and that therefore no return could be made till the election was over." [Mr. Fox cried out again, Hear, hear!] Lord Mahon said, he was happy that Mr. Fox agreed to his way of stating the argument. He could not, however, sufficiently admire the contradictions between Mr. Fox and his learned friend. Mr. Lee had laid it down as a principle, "that the end of the poll was the end of the election." That was the law of the learned gentleman: but the law of the right hon. gentleman was, "that the end of the poll was not the end of the election." The right hon. gentleman having undertaken to defend a bad cause, had got into the most complete dilemma possible; for if the 10th and 11th Will. 3 was not applicable to precepts, that statute had nothing to do with the Westminster election. If that statute was applicable to precepts, and the end of the poll was the end of the election, the precedent laid down by the House in the former Westminster election clearly proved, that Mr. Fox ought not to be returned, but that the scrutiny ought to be suffered to continue. If, on the contrary, when a scrutiny was granted, the end of the scrutiny and not the end of the poll was the end of the election, then, as the present scrutiny for Westminster is not over, the Westminster election is not yet over, and Mr. Fox cannot yet be returned as duly elected.

Lord *North* rose to oppose the motion for the previous question. He said, he must begin with disclaiming every idea of punishing any man untried or unheard: he would never violate that first principle of law and equity, that trial should precede conviction; and yet he would vote for the motion made by the learned gentleman, because he conceived it to be perfectly consistent with that principle: for what was the object of the motion? It was to ascertain and establish a point of

* See Vol. 14, 1761.

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law, which, in his opinion, the House could with the greatest propriety agree to, without any other information than that which was already on the table. By law, writs for the election of members to serve in a new parliament, were returnable on a particular day, specified in the writs: the high bailiff had not made a return on that day, and assigned his reasons for not having obeyed the King's command and the law of the land. It was for the House to determine whether these reasons were such as justified his conduct or not; and surely it would be no violation of the rule, *audi alteram partem*, for the House to take into their consideration those reasons which were before them; and to declare, whether they were, or were not, satisfactory. This was no motion of censure; it was no motion for punishing, though he was ready to acknowledge it might lead to that in the end. But if the House should hereafter go the length of ordering the high bailiff into custody, then indeed, however strong appearances might be against him, he would not for one proceed one step farther, till the bailiff should have been heard in his defence; then punishment would be the object of a motion; and consequently it ought to be preceded by trial: but, in the present stage of the business, there was no question of punishment; as far as was necesssary for all the purposes of justice in this stage, the high bailiff was virtually before the House; his reasons were on the table; and gentlemen were called upon simply to declare whether those reasons were satisfactory or not. Now, with respect to the law of the question, the noble lord had said, that the returning officer had acted legally, because the Act allowed for the return of writs 14 days after the election. But the noble lord had confounded two points, that differed *toto cœlo* in their nature. The 14 days mentioned by the noble lord, were allowed after an election for filling up a vacancy that might happen during a parliament: but writs for summoning a new parliament were always returnable on a particular day; and the reason of the difference was, that in one case a day was fixed for the sitting of the parliament, which could not meet, if the elections were not all over; but in the other case, an indefinite term was left for the election. He remembered the case of the great Oxfordshire contest, when a scrutiny was demanded, and granted by the sheriff; but when the day for returning the writ arrived, he closed the scrutiny, thinking himself bound, as in fact he was, to return his writ on the particular day specified in it. At the same time, that he might not appear to act partially, he returned all three candidates. He admitted, that the returning officer taking an oath to make his return according to his judgment, time must be allowed him to form that judgment; but he himself ought not to expect that the House would let him take his own time: a conscientious returning officer might possibly not be able to make up his mind for six months or a year; and if half of the returning officers in Great Britain should happen to be as delicate in their conscience, possibly one half of the kingdom might remain unrepresented for a session, perhaps for a whole parliament. Were gentlemen aware of the consequences that might ensue, if returning officers were to be allowed such a latitude of discretion, as might lay the parliament and liberties of this country at their mercy? He did not deny the legality of a scrutiny, provided it terminated on or before the day on which the writ was returnable; but he confessed he was no friend to scrutinies; and if he had no other objection to them than that which was furnished by the late scrutiny for London, he had learnt enough from that, never to countenance a scrutiny again; for after the sheriffs had sat eight or nine days, they had not been able to decide on many more votes than they had sat days; and therefore he wished to see the merits of the late election for Westminster, as well as of the elections for all other places, submitted to a select commitee, a judicature sitting and determining upon oath. This surely would be more equitable, than to resort to a man, for whom the House had no right, from his late conduct, to have any very particular respect: for his part, though it was said that the bailiff was unconnected with party, he would never wish to refer a cause to his decision, when he could find a much more upright and impartial tribunal. He never would willingly refer to a man who had violated an act of parliament, and acted in defiance of his duty; and therefore he would support the motion made by the learned gentleman.

Mr. Chancellor *Pitt* observed, that the noble lord had said, that the motion before the House was not for censure or for punishment; and that therefore it would not be any violation of justice if it were agreed

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to: but the House would surely recollect, that the very purport of the motion was to declare that the high bailiff had left undone something it was his duty to have done: but lest the House should mistake the object of the motion, the noble lord had expressly declared that the returning officer had violated an act of parliament and acted in defiance of his duty. Was not this censure; and was it not for this that the noble lord supported the motion? It must then be deemed a punishment; and the noble lord might perhaps after the punishment, agree to enter upon an inquiry into the conduct of the high bailiff; thus would he, perhaps, connect innocence with censure in the first instance; and inquiry with impunity in the second. The whole history of parliament did not furnish an instance in which a returning officer was punished unheard: even in the case of Coventry at the last general election, when no return was made, the sheriffs were ordered to attend on some day in December; they were heard in their defence; and the inquiry lasted so long, that it was not till March following that they were committed to Newgate. Grounded, therefore, upon that fundamental principle, that inquiry should precede censure, he approved of the motion for the previous question, which would leave the House at liberty first to examine the high bailiff and afterwards to punish or discharge him, according to the guilt or the innocence that should appear on the inquiry.

Mr. *Fox* said, that in the whole course of his life he never was witness to so gross a perversion of the meaning of the expression *audi alteram partem*, as the learned gentleman had furnished him with that day. Who, in fact, was the party before the House? Who the party absent and unheard? The high bailiff was, in fact and in truth, so far from being absent, the only party that was before the House; his conduct was avowed, and the reasons for that conduct were upon the table. He himself (Mr. Fox) was another party: but though he was actually present as member for another place, still he was virtually absent; and therefore if any one was unheard, it was himself. He little expected that a question of this kind would have been made a party question. He drew a good omen a few days ago from what a right hon. gentleman said, when he observed, that motions ought to be considered on their own intrinsic merit, and totally distinct from any consideration of the persons by whom made or by whom supported: on this ground he expected this motion would have been debated. But good as was the omen he drew on Tuesday last, that which presented itself to him now, from the manner in which the motion made by his learned friend was received, was as bad. The case of the sheriffs of Coventry, he contended, had nothing in common with the present; in the kind of return that they made to the House, they stated that they had been prevented by tumults and riots from obeying the King's writ. The excuse turned upon a matter of fact: the allegation might be true; it might be false; and therefore inquiry was absolutely necessary: but in the present case, the point for consideration was a point of law, not of fact; and therefore the House was competent to determine it at this moment, as well as after a month's inquiry: the question was, Whether a returning officer was, or was not, bound to return the member on the day on which the writ was returnable? And therefore there would be no injustice to the high bailiff, if the House should proceed without any farther inquiry to determine that question. Nay, though it should determine it in the affirmative, it did not follow that such a determination would even imply a censure on him; nothing was more common than for committees to order returns to be amended; and yet no one ever imagined that the returning officer was thereby censured by implication. It was the case in the great Oxfordshire contest, when the sheriff returned the three candidates. The House amended the return, but no one thought the sheriff censured; on the contrary, his conduct was pronounced to be fair and impartial.

It had been hinted, he said, that he would have demanded a scrutiny, if he had had the minority at the close of the poll; nay, that he had pledged himself to support a scrutiny. The truth was, he never pledged himself to support a scrutiny; but unquestionably he had pledged himself to institute an inquiry before that tribunal, which, from its nature, was least liable to partiality, and which was vested by law with powers to procure evidence; before a committee, under Mr. Grenville's Act, he certainly meant to bring it, and there it should be prosecuted, if he was permitted to appeal to it. He was ready to admit, that if the poll had been closed

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earlier in the month than it was, he would have demanded a scrutiny, but without the most distant idea of bringing it to a conclusion before the high bailiff; and that officer could tell from private conversation with him, that he had said the same thing to him: but what would have begun in a scrutiny, should have ended in an inquiry before a select committee of the House of Commons. A scrutiny, under the present circumstances, could answer no other end than that of trying the strength of purses: a very unequal contest indeed, when it was considered by whom his adversary was supported!

It had been hinted also that he had spun out the poll; the fact was the reverse, for he could declare upon his honour, that until Thursday or Friday last, no proposal had been made to him from any authority, to close the poll: that it lasted from that time till the Monday following, was certainly his act; and his reason for keeping the poll open to the last moment, was, that he was resolved to make the high bailiff acknowledge, that the poll ought to be closed on or before the day on which the writ was returnable; or that it might be kept open after. Now, the high bailiff had closed the poll by his own authority saying, that he could not carry it on after the day that his writ was returnable: it was not closed, because there were no more electors to poll; for that was not the case: nor was it closed by the mutual consent of the candidates; for he had not consented to it: so that it was the high bailiff that closed it by his own authority; and the reason assigned by him was, that he must return the writ, and therefore he must close the books. Now, he would ask those who contended that the high bailiff was not *functus officio* on the 18th inst. because a scrutiny was in fact nothing but a poll, why he should hold himself obliged to close the poll on the 17th, and yet carry it on afterwards under the name of a scrutiny? To such a man he would always object as a returning officer; for as there was nothing so like a poll as a scrutiny, so there was nothing so like Thomas Corbett on the hustings in Covent Garden, as Thomas Corbett in the vestry-room of St. Paul's, St. Ann's, &c. But those who had advised the curious return he made, were resolved, that as far as in them lay he should not have even the possibility of appealing to any other tribunal, if he should decline a scrutiny before the high bailiff; for they had drawn up the return in such a form, that he was afraid he should not be able to complain of it in such a manner as to have it referred to a committee of the House. Had sir Cecil Wray been returned, then he might complain of that return, and so bring it to a determination. However, he pledged himself to those independent electors who had so nobly supported him, to have the election brought before a committee in some way or other; he owed it to them; he owed it to the country; he owed it to himself.

The principle of Mr. Grenville's Bill was to prevent party, or power, or faction, let gentlemen call it by what name they pleased, from availing itself of its numbers, to determine an election, and so keep out of the House a character disliked by ministers, or force upon the constituents a representative whom they had not elected. This was certainly a good principle; but, if the doctrine should prevail, that elections might be kept open after the return-day of the writ, might not ministers entirely defeat this principle? With the returning officers under their influence, they might cause a scrutiny to be demanded, and granted, and spun out to such a length that places might actually be kept for a whole parliament without representatives. In the present case, however, the law gave him a popular action against the high bailiff, which he was determined to pursue; for the statute of the 10th and 11th Will. 3, said, "That every sheriff, or other officer or officers aforesaid, who shall not make the returns according to the true intent and meaning of this Act, shall forfeit for every such offence the sum of 500*l.* one moiety whereof shall go to his Majesty, and the other to him or them that shall sue for the same," &c. If the House should order him to proceed with the scrutiny, he must obey; but he must protest against a measure which could tend only to drain the pockets of public-spirited men, and which in its very nature must be inefficacious, as the scrutiny for London would clearly demonstrate; for as, during eight or nine days, only as many votes were disqualified, he would have the rule of three adopted, to ascertain in what length of time the scrutineers could get through six thousand votes. The noble lord wished to have the business brought before the high bailiff, who, he said, would get through it in five months; but who told him that? The scrutiny in the case of Trentham and Vandeput lasted five months,

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though it was cut off in the middle. The noble lord admitted for argument's sake, that precepts and writs were in their nature synonymous; he might have admitted it for the sake of truth; but the noble lord used the former, because he was much more attached to argument than to truth.

As to the numbers on the poll, which to the returning officer, as it had been very properly said, ought to have been conclusive, he had not a doubt but there was of them a legal majority in his favour. From the time that his adversary's majority began to fall off, the parish books were produced and the electors were scrutinized as they offered themselves; and upon this sort of scrutiny he had almost every day gained upon his adversary; and as for the last fourteen days, not more than thirty or forty polled on a day, the high bailiff might very easily have been able to make up his mind upon the legality of the votes, which would not have been so easy a task if the electors had polled by hundreds as at the beginning of the election; and therefore he could now see no ground for a scrutiny. He declared he wished sir Cecil Wray was returned, that there might be such a return before the House as he should be able to bring before a select committee. He concluded by observing, that the arguments drawn from writs of *fieri facias*, did not apply in this case; for in the former, the court out of which they issued might enlarge them, whereas the king issued the writs for calling parliaments, but the House of Commons enjoyed the exclusive privilege of judging of the returns.

The *Attorney General* (Mr. Pepper Arden) stated the question. He said it had no respect to the nature of the return: it was not whether there was a good or a bad return, but whether the returning officer was compelled, under every circumstance, to make a return at all? He thought various cases could be imagined, in which the returning officer, notwithstanding the 10th and 11th of Will. 3, was incapable of making any return at the immediate expiration of the poll; and that a subsequent scrutiny was absolutely necessary, to afford him sufficient time and ground for forming his judgment on a point of so much magnitude. It had been alleged, that there was no precedent for such a licence in official conduct. But he would put the question, whether there was ever any preceding instance which gave the same authority for adopting such a measure as the poll of Westminster? Did the history of election afford an example of such a poll? It was a poll which had commenced at the earliest legal period, and had been protracted to the last legal hour. It had been taken in confidence of a scrutiny by all parties. On this idea votes had been admitted. In proof of what he said, he could safely appeal to the sentiments of the candidates, and to the different papers which had been issued during the period of the election. There was one production of this kind which was, no doubt, false, forged, and fabricated, but which evidently proved this, and which he would read to the House. Here he produced the Gazetteer, containing an advertisement, assuring the electors of Westminster that a scrutiny would be demanded, and signed by a gentleman of the name of Mouler, who he did not doubt was intimately connected with the designs and intentions of the party. This advertisement evidently shewed, that a scrutiny was an original idea belonging to one party in the Westminster election, but which seemed now to be by the same party abandoned. He could suppose many cases, in which the concourse of voters might be so great as to render a scrutiny of votes during the poll absolutely impossible. He did not mean to apply any of his suppositions on this subject to the Westminster election; but the number of voters might at an election be so numerous —multitudes might be dragged in from all quarters—persons of the most questionable description might appear as voters, tag-rag and bob-tail, so as to render an immediate scrutiny during the progress of election impossible, and a subsequent one absolutely necessary. In all such cases, the conduct of a high bailiff, acting as the high bailiff of Westminster had done, was defensible, and could not be blamed. Cavillers might talk of law and of statutes, but there was neither law nor statute that could compel a man to do what in his conscience he could not do. This was a species of arbitrary compulsion which was wholly unjustifiable.

Sir *T. Davenport* combated arguments used by the Master of the Rolls, respecting the practice of the courts below, in cases wherein the sheriffs do not make return of writs by the day appointed, and shewed that they all widely differed from the case in question. The late election, he said, had been continued to the last hour that the poll could be kept open, and

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as the high bailiff had not power to go on any farther with the poll, being bound to make a return the next day, it was absurd to suppose he could go on with the scrutiny and investigate the validity of the votes any better than he did during the poll, as he would be furnished with no new powers to inspect into them. In fact, the election had been a scrutiny, especially the latter part, for to his certain knowledge the vote of the Master of the Rolls had been refused, and although admitted at last, was a doubtful vote; the vote of an Irish lord (Mountmorres) had also been refused one day on account of his being only a lodger, but admitted the next, as the lease of a house had in the intermediate time been granted to him; indeed, the very instant the parish books were brought for the purpose of scrutinizing into the votes, that instant Mr. Fox gained daily on his opponent.

The House then divided on the previous question:

Tellers.

YEAS	Lord Maitland - - - Mr. North - - - -	136
NOES	Mr. Robert Smith - - Mr. Steele - - - -	233

Mr. Lee's Motion was consequently negatived. He then moved, "That Thomas Corbett, esq. bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter at Westminster, do attend this House to-morrow;" which was ordered.

Debate in the Commons on the Address of Thanks.] His Majesty's Speech to both Houses on the 19th instant being then read by the Speaker,

Mr. *John James Hamilton** rose, and expatiated on the various topics contained in the Speech. He dwelt on his Majesty's paternal attention to the sentiments of his people on the late dissolution of parliament. The principles and conduct of the House of Commons were, he said, different from those of the nation at large. The sentiments of the people had been carried to the throne, and his Majesty, with that condescension which distinguished his character, had been graciously pleased to listen to them. Measures had been adopted by a late ministry, unfriendly to the constitution of the country and the prerogatives of the crown. Attempts had been made to touch the charters of an extensive trading company. These attempts had given a general alarm, and it had become absolutely necessary to dissolve a House of Commons, who, in opposition to the sentiments of the nation, and the principles of the constitution, patronised the views and countenanced the measures of men who had become obnoxious to the kingdom. He trusted that the present House of Commons would justify, by their conduct, the decision of a gracious sovereign in so important a point, and at so momentous a crisis. He dwelt on the character of the present minister: in him the fondest hopes of the people were reposed: he was a person whose character merited public patronage: he had consecrated that period of early life, which by others was commonly squandered away in idle frolic, in youthful dissipation, to profitable study, and to the service of his country. He was not one of those characters, who having dissipated their fortune, ruined their constitution, and prostituted their powers, had entered those walls for the purpose of political traffic, for the purpose of repairing their finances, or from the motives of ambition and aggrandizement. He had not come to offer the dregs of his being to the service of his country; he had consecrated to it the first fruits of his existence. There was, therefore, every thing in his character to conciliate the confidence of the people; and notwithstanding the calumnies which had been raised and propagated against him, this he had fortunately obtained. He congratulated the House on the event. It was a presage auspicious to the interests of the country, as it tended to ensure the preservation and continuance of their privileges, which had been attempted to be violated. His right hon. friend had been accused of being the champion of one branch of the legislature, in opposition to the other—of the aristocratical influence of the kingdom, in opposition to the interests of the House of Commons; but he knew, and the nation knew, that these assertions were unfounded. His right hon. friend was not the champion of the House of Peers, he was not the champion of the prerogative, he was not the champion of the House of Commons, but the champion of the constitution. He then moved the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and

* Afterwards marquis of Abercorn.

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loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"We beg your Majesty will be assured, that we are animated with the warmest sentiments of loyalty, and an inviolable attachment to our excellent constitution, which are, we trust, inseparably united in the hearts of your faithful subjects.

"We acknowledge, with the warmest gratitude and satisfaction, your Majesty's wisdom and goodness in recurring, at so important a moment, to the sense of your people; and we trust that so seasonable an exercise of the power entrusted to your Majesty by the constitution, will not fail to be attended by the most happy and beneficial effects.

"Your Majesty may be assured, that your faithful Commons will be ready to take proper measures for the application of the sums voted in the last parliament, and to grant such further supplies as may appear to be necessary; having the fullest confidence that all your Majesty's subjects will, from loyalty to your Majesty and zeal for the interests of the country, be ready to support those heavy burthens which, in consequence of a long and expensive war, are now unavoidable; and that they will be sensible of the necessity of effectually providing for the maintenance of the national faith and the public credit, so essential to the power and prosperity of the state.

"We also beg leave to assure your Majesty, that we shall apply our utmost attention to the means of preventing the increasing frauds in the revenue: that we shall take into our most serious consideration such commercial regulations as the present situation may immediately require.

"That, in our deliberations on the affairs of the East India Company, so deeply connected with the general interests of the country, we shall be truly anxious to provide for the good government of our possessions in that part of the world.

"That we shall be careful never to lose sight of the effects which any measure to be adopted for the purpose may have on our excellent constitution and our dearest interests at home; and that we are deeply penetrated with the gracious and parental expressions of your Majesty's affection and goodness to your people, and have the most dutiful reliance on your Majesty's royal attention to every object of national concern, and to the true principles of our free constitution, which can only be secured by maintaining, in their just balance, the rights and privileges of every branch of the legislature."

Sir *Wm. Molesworth* said, that he should content himself with seconding the Address, and declaring that it had his entire concurrence: he highly approved the sentiments of loyalty and gratitude that it expressed to his Majesty for the parental care manifested by him in his late appeal to the sense of his people.

The Earl of *Surrey* said, he had hoped that ministers would have come forward on that day with such an address as would have passed the House unanimously. It was far from his desire to find any fault with the panegyric which the hon. mover had thought proper to pronounce on the present minister; no man admired his talents more than he did, nor was there a person within those walls who more sincerely wished him a fair opportunity of displaying his distinguished abilities with advantage to his country and honour to himself. Of his integrity he was fully persuaded, and of his determination to preserve his high character free from reproach he had not the smallest doubt; but as he had been bred up under the notion of constantly entertaining a degree of jealousy of the conduct of ministers, he could not concur in that part of the Address which commended and thanked his Majesty for the late dissolution. It had been his determination very soon to have come forward with a motion for purifying the state of the representation of the people, and of reforming that House, had the late parliament been suffered to continue but a short time longer. Had that motion been made, and been made with the success which he might, with the assistance of the right hon. gentleman at the head of the Treasury, have been able to procure, he should have then been warranted in agreeing with the honourable mover, that his Majesty, by the late dissolution, had appealed to the sense of the people. As the state of the representation stood at present, he could not for a moment admit that the genuine sense of the people could be collected by a dissolution of parliament. So far from it, the people had only been nominally concerned in the business, while in fact they had been sent down for a re-election to a number of small and desolated towns, the private

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property of individuals of a particular description, under whose interest, and not by the people's free choice, they had been returned to that House. His lordship enlarged on this idea very ably; and after using several arguments to prove the necessity of a parliamentary reform, expressed a hope that the gentlemen on the other side would consent, for the purpose of obtaining unanimity, to adopt an Amendment he should propose, for omitting so much of the Address as returned his Majesty thanks for the late dissolution. As those who moved and seconded an Address were generally conceived to act, on such occasions, in concert with the minister, he declared he could not give a silent vote on the occasion, but felt it to be a duty incumbent upon him to declare his wishes, that the right hon. gentleman had spared the House the disagreeable circumstance of being called upon to vote, what could not but be disagreeable to a great many gentlemen who had sat in the last parliament, and who thought that parliament had distinguished itself as eminently as any House of Commons ever summoned to meet in Great Britain. He hoped, therefore, for the sake of unanimity, the gentlemen on the other side would consent to leave out the paragraph of the Address which expressed an approbation of the late dissolution.

Colonel *North* expressed his surprise that the honour of seconding the noble earl's amendment should be left to him, and indeed that there had not been a competitorship set up by the other side of the House with the noble earl for bringing forward such a proposition. The colonel reminded the House of the declaration made by Mr. Pitt in the last parliament, that he would not advise his Majesty to dissolve the parliament, and said, that in his short acquaintance with that House, he never recollected a measure of that importance brought forward of a sudden, on the very first day of the session, for the decision of the House, before the House had been afforded an opportunity for discussion and examination. He was as little inclined to cavil at the panegyric bestowed on the minister by the hon. mover of the Address as the noble earl; but there were suggestions that presented themselves to his mind, which made it a little extraordinary for the hon. gentleman to call upon those members of the House who sat in the last parliament and approved its conduct, to lend their sanction to its eulogy. What was it they were to applaud him for? Was it for the peace that he had taken a part in procuring? The colonel asked several other questions, and at length concluded with seconding the amendment.

The *Solicitor General* (Mr. Macdonald) said, that during the late elections they had all heard the sense of the people, and that their constituents had clearly decided against the conduct of the late ministry: it would be a most extraordinary thing, therefore, just after they had heard what the sense of the people was, to come there, and in the first act of their parliamentary proceeding to fly in the face of their constituents, and vote against their known opinion and wishes. He recapitulated some of the measures that he conceived had given the people so much offence, and particularly pointed out the India Bill, which he said every one of them had heard rung in their ears wherever they had been candidates. He justified the dissolution, as a necessary exercise of the constitutional prerogative of the crown; and declared that the situation in which that House stood, previous to its dissolution, with two contending parties in it struggling for power, and one of them possessing the smallest majority possible to exist, was exactly and precisely that case in which the royal prerogative was designed to be exercised. He dwelt on their being bound indispensably to speak the sense of their constituents, and charged the last parliament with having paid no regard to that necessary part of their duty.

Captain *James Luttrell* spoke in favour of the Address, and charged the last parliament with having acted contrary to the sense of their constituents, by asserting in addresses to the throne, that certain sentiments were the opinions of their constituents, although the very next day they presented petitions upon their knees to his Majesty from their constituents, directly contradicting such assertions. He reminded gentlemen who had voted, as it were, in trammels in the late parliament, that they were now free and independent.

Mr. *Powys* said, that had the noble earl moved an amendment stating the direct reverse to the part of the Address which he proposed to have left out, he could not have voted with him on such a question; but to thank his Majesty for the dissolution of the late parliament, on the very first day of a session, was premature, and appeared to him to be preclusive of all future discussion of the subject. That the disso-

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lution was necessary, as it had been declared to be by the learned gentleman who had lately spoken, was a position he was ready to admit, provided the learned gentleman could prove that the existence of the present administration was indispensably necessary to the salvation of the country. Before he could think of voting for such an Address, as possibly the minister might come to parliament for a bill of indemnity, Mr. Powys said, he must be informed how far it was deemed preclusive by the minister himself, and to what degree; since, should the Address pass, the House would be considered as pledged when the subject should hereafter come under discussion.

Lord *Delaval* defended himself for having voted for the India Bill and with Mr. Fox on every question that was moved towards the close of the last parliament, by declaring that he then thought the notions he entertained and acted upon were the notions of the people, and that the declarations of the ministers to the contrary were fallacious. He reminded the House of a speech he had at that time made, in which he had declared as much, and after complimenting Mr. Pitt on his talents, had advised him to go down the stairs again by which he had got into place, to trace back his indirect path to power, and to enter at the door of that House, openly, manfully, and constitutionally, as the minister of the people and the House of Commons, in which case he had promised to open his arms to him, to embrace him cordially, and to give him every support in his power. This promise he held himself pledged to make good; the people had convinced him that he had been mistaken as to their sense, and that his conduct had consequently been founded on error. The right hon. gentleman had been borne into that House through the portal, in the face of open day, on the shoulders of the people. His constituents at Berwick, and the constituents of the whole House, had declared their confidence in his character; and therefore, as an honest and independent man, he was determined to give him his vote that night, and on every occasion to lend him his support.

Mr. *Rolle* said, he was empowered and commanded by his constituents to take the earliest opportunity of declaring to the House, that they approved of every part of his (Mr. Rolle's) conduct in the support of the minister in the last parliament, and that they reposed the most implicit confidence in Mr. Pitt. He said, he had voted against the India Bill, and against the questions brought forward since Christmas, because he thought it his duty so to do, and for the same reason he should now vote for the Address.

Sir *Sampson Gidcon** said, he should act most ungratefully by his constituents, and ill requite their partiality to him, if he did not, on the present occasion, vote for the Address. He declared, that its being known that he was a friend to the minister, had been the chief ground upon which he had succeeded at Coventry; and that such was the determined sense of the people in general in favour of Mr. Pitt, that wherever he had lately been in the country, he had been given to understand that the single circumstance of any candidate's avowing himself determined to support the measures of administration, so long as their measures appeared calculated to promote the real interest of the country, was sufficient to ensure an election against a rival of the other party.

Mr. *Milnes* said, he should vote for the Address, because it would not only be agreeable to his constituents, but perfectly accord with his own opinion. He declared, that the sense of the large county, in which the city stood that he had the honour to represent (York), was clearly and decidedly in favour of the present minister, and that the dissolution had afforded the whole county of York the most heartfelt satisfaction. The conduct of the late ministers was held in execration. The India Bill was regarded as a desperate attempt to secure to the author of the measure and his colleagues in office an inordinate and unconstitutional degree of power, to the diminution of the legal prerogative of the crown, and to the great danger of the liberties of the people.

Mr. *Adam* stood up the advocate of his own consistency in contradistinction to the conduct of lord Delaval. Mr. Adam said, he had never changed his opinion, nor did he see the least reason to alter it. He had voted for the India Bill, because he was persuaded it was a wise and necessary measure, and not a whit more harsh than the exigency of the case required. With regard to the clamour that had prevailed against it, far as it had spread, and much as it had preyed on popular credulity, he

* Changed his name to Eardley, in July, 1789; and was created Baron Eardley, of Spalding in Ireland, in September, 1789.

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was persuaded it owed its rise and progress to artful misrepresentation, gross delusion, and direct and palpable falsehood. A day would come, and its arrival he trusted was not far off, when the truth would appear in spite of fallacy, when men would judge with candour, and decide without prejudice. That ministers should have made the most of the popular delusion, he wondered not in the least; but their career had received a check, and that a glorious one, in the election for Westminster, where, as the scene of action was near at hand, it was difficult to conceal the real state of the case; and men judged for themselves, by the best guides, authentic information and facts. Though his right hon. friend's election was not unanimous, it might be said to have been almost an unanimous one; and considering that he had to contend against all the weight of public office, all the interest of the East India Company, all the opposition of government, and the popular phrenzy of the times, it was a wonderful and most flattering proof of the high degree of estimation in which his right hon. friend stood with the intelligent citizens of one of the first cities in the kingdom. Mr. Adam stated, as an argument against agreeing to that clause of the Address which approved of the dissolution of parliament and thanked his Majesty for it, that as that measure was taken without any public necessity, and against the most positive declarations of his Majesty's minister, it was not to be approved of without a regular and proper inquiry into the grounds upon which the measure was taken.

He stated to the House the promise that the minister had made, and the time at which he made it. That the House of Commons had met on Saturday the 24th of January; that the meeting on that day was remarkable; but the solemnity which attended it was still more remarkable, and such as had never taken place on any former occasion. On that day Mr. Powys asked the minister, with the strongest impressions of the importance of the occasion, Whether he meant to dissolve the parliament? and conjured him in the most emphatic manner to permit the House to meet once more. Mr. Pitt replied in the phrase which he constantly used at that time, "That he would not compromise the King's prerogative by making any bargain relative to the dissolution, but that he could assure the hon. gentleman that it was meant the House should meet again." The House met on the Monday following, the 26th of January, when Mr. Pitt declared, in words which Mr. Adam said he had taken down at the time, and shewn to several persons, who agreed they were the words spoken by the minister, "That he never would advise his Majesty, and were he, his Majesty would not take the advice to dissolve the parliament; when, considering all circumstances, it would be attended with great disadvantage to the public, and that he considered the present time to be such."

Mr. Adam added, that he desired the minister, or any of his adherents, to point out any material difference between the period of the dissolution and the time at which the minister made the declaration: that he was aware there was one subject on which they might endeavour to state a difference, the Mutiny Bill; upon that he observed there was no real ground for argument; because, if parliament had been dissolved at the period the declaration was made, a new one might have been returned before the Mutiny Bill would have expired. He observed upon this statement of uncontrovertible facts, that it would be highly improper to come to an immediate approbation of a dissolution, which was evidently done in violation of the pledged word of the minister and the proferred opinion of his sovereign—a dissolution which had suspended all public business by an unusual exertion of prerogative, while a very short and temporary suspension of public business to maintain the undoubted privileges of the House of Commons had been loudly complained of.

Lord *North* said, he had been in hopes that ministers would have proposed such an Address as should have met with no opposition. On the contrary, they had so managed it as to set off hostilely, and lay the foundation for many future bickerings, much heart-burning, and much discontent. He stated the different grounds on which the late dissolution might be argued with a view to its justification, and said, that, regarded as a matter of convenience to ministers, they certainly were not to be blamed for it; but then it was a bad principle to lay down, that ministers were justified in proceeding to the adoption of any measure of that magnitude merely for their own convenience. Having contended that ministers had acted rashly in dissolving parliament in the midst of a session, and declared that they could not urge as a plea for it any conduct on the

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part of opposition that impeded the progress of the public business, his lordship stated that the measure had been of itself a very considerable means of procrastination and delay, both of which must necessarily be considered as extremely disadvantageous to the public under the present circumstances of the country. If any man had a right to be angry with the last parliament, it was himself; for at the commencement of that parliament he had been seated high in power, and apparently possessed the confidence of a considerable majority of the House of Commons. His division on the Address had been 212. The division of opposition was nearly what it had been that day, viz. 130; and yet flattering as these facts appeared to be at the time, in two or three years after he was obliged to quit his high situation. He advised the right hon. gentleman, therefore, not to rely too confidently on his own security, nor to exult too triumphantly on his present majority.

Mr. *Fox* spoke in support of the amendment. He considered the calling upon those of the late parliament—a parliament deserving of as much praise as any parliament that had ever sat, to subscribe to their own condemnation, by acceding to an Address containing a paragraph applauding and thanking his Majesty for his dissolution of it, to be adding a degree of insult to victory, and exercising an arrogant and indecent triumph at the expense of the conquered. Mr. Fox entered into a general defence of the India Bill, declaring that he shrank not from the responsibiity of that measure. He was the author of it; and if there was guilt in having proposed it, he was chargeable with that guilt. Personally responsible for having brought forward the Bill, he could not be so as to be made subject to personal punishment; but responsible, in the only manner in which responsibility for such conduct could attach, he certainly was; responsible with his character, responsible at the tribunal of the public. He was glad that he had risked his situation for that Bill, even though it was lost; and though he never, perhaps, might again be a minister, he would ever persist in maintaining, that the man who was afraid of risking every thing personal on a measure of importance, on a measure that he was himself persuaded was a good measure for the country, was unfit to be minister. The India Bill, he was well convinced, was that sort of measure; and he was persuaded, when it should hereafter be coolly considered, when the necessity for it on the one hand, and the design, scope, and extent of it on the other, were fairly viewed and equally balanced, it would be admitted to be a good, a salutary, and a proper Bill for the purpose. That he meant either now, or at any other time, to shrink from it, was untrue: he never had, he never would shrink from it; he avowed it originally, he avowed it then. In like manner he avowed the Resolution on which the Address to his Majesty was founded, that desired that no dissolution might take place; a prayer which the House had been given to understand should be complied with. On the present occasion, therefore, he charged ministers with having broken the royal word, and said one thing to the House while they meant to do another. Mr. Fox said, the conduct of the minister, in his endeavour that day to trample upon opposition and treat it contemptuously, betrayed something, as it were, like the passion of insolence. He cautioned the right hon. gentleman, therefore, not to exult so exceedingly in his change of situation, nor to triumph too inordinately, because the dissolution had answered his purpose. Majorities were not always secure, nor always steady. Let the right hon. gentleman look to the year 1709, and let him recollect that there was such a person as Dr. Sacheverel. Not that he meant to degrade the right hon. gentleman's talents by putting them on a footing with those of Sacheverel, but merely to remind him, that in the year 1709 the times were exceedingly similar to the present, and the new parliament that had then been just called, were to the full as partial to Dr. Sacheverel as the present new parliament was obviously partial to the right hon. gentleman. Those who had got possession of the government then (during the four last years of queen Anne) would, in all probability, have destroyed the constitution, had not the hand of Providence happily interposed and prevented it. Mr. Fox recommended it to Mr. Pitt to bring forward the necessary measures to prevent the illicit practices upon the revenue, commending the very excellent reports that had been made upon that subject by the committee of the last parliament. He said, whenever the right hon. gentleman did this, or brought forward any proposition to support the credit of the nation, he might depend on his support, as he wished the public business to

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go on without interruption. He took notice of what Mr. Milnes had said about York, and declared, that respectable as that gentleman might be, he did not believe that either the House or the city of York would be benefited by the exchange.

Mr. *Milnes* said, he verily believed the politics of lord John Cavendish, and the measures he had supported, lost him the city of York.

Mr. Chancellor *Pitt* said, he was fully convinced of the importance of unanimity, and was extremely desirous of procuring it, if it could be obtained; but he was not for purchasing a hollow unanimity, by blinking a great constitutional question, and passing over the dissolution of the last parliament, when it was so clearly established that it had given the most solid satisfaction throughout the kingdom. As on the one hand, he was not willing to blink that great question for the sake of the unanimity of an hour, so on the other, he was not afraid to state fairly how far he did conceive the present Address would preclude and pledge the House, when they came hereafter to discuss the circumstance of the dissolution. If it should appear that in the conduct of the dissolution there had been any trifling irregularity or error, he should in that case think the present Address precluded any censure for such irregularity; but God forbid that the Address, or any thing else, should prevent any capital criminality, if criminality of that sort there should be discovered in the dissolution, from being fairly brought out, fully investigated, and, if proved, punished with due severity. Having said this, he mentioned among the fortunate events that had happened, the final conclusion of the definitive treaty with the states general. He next took notice of the various arguments that had been used in the debate, and by collecting them severally from lord North, Mr. Adam, and Mr. Fox, and comparing the violences of one with the other, threw an air of ridicule upon the whole. He took notice of Mr. Fox's having had the firmness to avow the India Bill, and still to glory in it, although he lost what he risked—his power and situation, by it. He said this firmness was not to be sufficiently admired; but that Mr. Fox's declaring himself willing to bear the responsibility was a little ridiculous, because in the very next sentence he declared the responsibility to amount to nothing, as he could not be made personally responsible for having merely proposed a bill to parliament. The only responsibility he was liable to, was the responsibility of character, and responsibility at the tribunal of the public. This sort of responsibility had already been brought to the test. Mr. Fox had been tried before that tribunal of the public, who had nearly unanimously found him guilty. He also adverted to what lord North had said of the last parliament, and owned, that if any thing could be a justification of that parliament, the noble lord had stated the single merit, that would indeed serve to cover a multitude of sins, viz. he had stated that the last parliament had the virtue to put an end to his administration, and to the calamitous war which the noble lord had brought upon the country. He would proceed to take notice of two or three observations that had fallen from the right hon. gentleman, and from the right hon. gentleman's learned friend behind him, relative to that "glorious check to the career of ministers," as it was called, the Westminster election. The ingenuity of the learned gentleman had found out that the right hon. gentleman's election was almost unanimous, although they had that day been inquiring why no return had been made, and had learnt that many thousands voted for two other candidates. But, said the learned gentleman, the success was wonderful, considering that the right hon. gentleman had to contend with the powers of public office, with the powers of the India Company, and with, what the learned gentleman was pleased to term, popular phrenzy. The right hon. gentleman, said Mr. Pitt, has to lament that he had to contend with the powers of public office, because he endeavoured to subvert government. He has to lament that he had to contend with the India Company, because he endeavoured to seize upon their property, and to seize upon their most sacred rights; and he has to lament that he had to contend with what is termed the popular phrenzy, because the people at large have seen and condemned his conduct. But what allies the right hon. gentleman had to fight for him are not noticed. The degree of influence used in his favour has not been observed upon, nor any respect paid to those charms which alone can supersede every other consideration among us all, and command unanimity, when nothing else could occasion it. Having pursued this vein of sarcasm and ridicule,

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Mr. Pitt took notice of Mr. Fox's glories not being merely confined to Westminster, but extended to the extremest corner of the island, to which the right hon. gentleman's partialities had not formerly gone. His success at Kirkwall ought not, he thought, to be denied its share of praise: it was well entitled to "Pursue the triumph and partake the gale." Mr. Pitt concluded by declaring that he could not consent, either at the price of unanimity or for any other consideration, to alter the Address in any part of it.

The question being put, That the words proposed to be left out stand part of the question, the House divided:

Tellers.

YEAS	Mr. Edw. James Eliot Mr. Robert Smith	282
NOES	Sir Francis Basset Mr. North	114

The amendment was consequently negatived. After which the original Address was agreed to.

The King's Answer to the Commons Address.] His Majesty returned this Answer:

"Gentlemen;

"I return you my most cordial thanks for this very loyal and dutiful Address. The affectionate expressions of attachment from my faithful Commons, and their zealous regard to the principles of our invaluable constitution, must ever afford me the most sincere satisfaction."

Petition from Mr. Fox complaining of the Conduct and Return of the High Bailiff of Westminster.] May 25. A Petition was presented to the House from Mr. Fox, setting forth:

"That at the late election of two citizens to serve in this present parliament for the city of Westminster, the right hon. sir Samuel Hood, bart. baron Hood of the kingdom of Ireland, sir Cecil Wray, bart., and the petitioner, were candidates; and that, a poll being demanded, the same was opened by Thomas Corbett, bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter at Westminster, on the 1st of April 1784, and continued from day to day, Sundays excepted, until the 17th of May, being the day before the day on which this present parliament was summoned to meet, and when the writs for the election of members to serve therein were commanded to be returned; on which said 17th of May, at three of the clock in the afternoon, the said Thomas Corbett finally closed the said poll; and that the numbers upon the said poll, at the final close of the same, were as follows, viz. For lord Hood 6694; for the petitioner 6233; for sir Cecil Wray 5998; and that, in consequence of an agreement proposed by lord viscount Mahon, on the part of lord Hood and sir Cecil Wray, and entered into between the said candidates at the commencement of the said poll, eleven inspectors on each side, and five friends on each side, constantly attended the said poll, and no vote, to which any objection was made, was received for the petitioner on the said poll, without an appeal to the presiding officer, and his decision that such vote was good; and that, in the early part of the said poll, sir Cecil Wray obtained a majority of votes thereon, to the number of 318; and that, from the time such majority began to be diminished, to the final close of the said poll, almost every vote which was tendered for the petitioner was vehemently contested, and every objection which could be suggested, either by inspectors, friends, or counsel, was made thereto; and that the said poll was finally closed by the said Thomas Corbett, neither by the consent of the candidates, nor after a certain interval without the tender of any vote, but by his the bailiff's own authority, because the King's writ to the sheriff commanded the same to be returned by the 18th of May 1784; and that the said precept from the sheriff to the bailiff of Westminster, after informing the said bailiff that he the said sheriff had received a certain writ of the King to him directed, which is in such precept set out in the very words thereof, commands the said bailiff to cause two citizens to be elected for the said city, according to the exigency of the said writ, and in what manner he shall have executed that precept, immediately after the said election, to make known to the said sheriff, so that he may certify the same to the King in his Chancery, as by the said writ he is commanded; and that not only the plain and precise terms of the said writ and precept, but the constant and invariable usage of parliament, require a return of members to serve in parliament on or before the 18th of May, being, in this instance, the day on which the parliament was summoned to meet; and that the Act of the 10th and 11th of king William 3,

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ch. 7, doth positively and unequivocally require the sheriff, or other officer, having the execution and return of any writ for the election of members to serve in any new parliament summoned and called, to make return of the same on or before the day that such parliament shall be called to meet; and that, after the final close of the said poll, at three of the clock in the afternoon, on the 17th of May, a scrutiny of the said poll was demanded on behalf of sir Cecil Wray, which was immediately objected to by the petitioner, who strongly urged that such scrutiny could not be proceeded upon by the said bailiff after the time on which, by law, he was required to return the said writ; and that, when he had finally closed the said poll, because by law he had no power to continue the same any longer, it would be inconsistent and absurd to grant a scrutiny into such poll, to commence and be proceeded upon by him after his power to continue such poll was terminated; yet the said bailiff did take upon him, contrary to the exigency of the writ, the positive injunctions of the said statute, and the invariable law and usage of parliament, in the most arbitrary and illegal manner, to declare that he would grant such scrutiny, to commence and be proceeded upon after the day appointed for the return of the writs for summoning this parliament; and that, immediately after the final close of the poll, and casting up the numbers, which appeared to be in favour of lord Hood and the petitioner, the electors of the said city and liberty caused an indenture of return of lord Hood and the petitioner, executed by the said electors, to be tendered to the said high bailiff, but he positively refused to accept or to execute the same; and that, notwithstanding such pretence of granting a scrutiny, the said bailiff, being well aware that he was bound by law to make a return on or before the said 18th of May, and that it was not lawful for him, on any pretence, to refuse or neglect to make a return, did, on the said 17th of May, make to the sheriff of Middlesex the return hereinafter set forth; and that the sheriff of the county of Middlesex has made the following return to the clerk of the crown: [Here follows a copy of the Return, see, p. 808.] and that the said bailiff, in refusing to execute the said indenture tendered to him, and to return the petitioner as one of the two citizens duly elected to serve in parliament for the said city, according to the usual course of proceeding in such cases, and in the common and established form of returns, and in making such special return as aforesaid, has conducted himself in a manner equally arbitrary, illegal, unconstitutional, and unprecedented, and which, if countenanced, would not only totally subvert the ancient forms of election of members to serve in parliament, but would defeat all the wise ends for which those forms were at first adopted, and have since hitherto invariably prevailed; and that the petitioner conceives, and is advised, that the said return is highly injurious to the petitioner, a palpable breach of duty in the said bailiff, an open violation of the act of parliament, a wilful disobedience to the writ, and a manifest disregard of the invariable law and usage of parliament, and therefore complains to the House of the said return so made by the said bailiff to the sheriff of Middlesex, and by the said sheriff annexed to the said writ for Middlesex, returned by him to the clerk of the crown: and therefore praying the House to take the same into immediate consideration, and to order the said bailiff forthwith to execute the said indenture of return so tendered to him, and to make a proper and perfect return, to be annexed to the said writ for Middlesex, or to give the petitioner such further or other relief in the premises as to the House shall seem meet."

Debates in the Commons respecting the Westminster Scrutiny.] As soon as the above Petition was read,

Lord *Mulgrave* desired to know upon what ground this petition was delivered, under a claim to be heard before a committee, appointed under the authority of Mr. Grenville's Bill? As the best means of coming at this, his lordship moved, "That an Act made in the 10th of his present Majesty, intituled, 'An Act to 'regulate the trials of controverted elec-'tions, or returns of members to serve in 'parliament,' might be read."

Mr. *Fox* said, he considered himself as entitled to petition the House, and to have that petition referred to a committee, to be chosen according to the regulations of Mr. Grenville's Bill; for which reason he had delivered the petition which had been just read; and he meant to move, if there was no objection stated to it, that the said petition be sent to a committee to be balloted for on Friday se'nnight.

Lord *Mulgrave* said, he had moved to

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have the clause of the Act read, which he took to be perfectly regular, and therefore desired it might be read, as he did not conceive the petition came within the Act: and in that case he should make a motion, somewhat different from that proposed to be made by the right hon. gentleman. The clause of the Act was read.

Lord *Mulgrave* then entered into a discussion of the true intent and meaning of Mr. Grenville, when he originally proposed the Bill, declaring that he was in parliament, and took a considerable part in carrying the Bill through against the powerful enemies it had to contend with at the time. The sole purview of the Bill went to the seats of parties, it ordered notice to be sent of the committee, &c. to the petitioners and sitting members, and could not be construed as having any relation to elections pending. In explanation, and by way of illustrating this assertion, his lordship quoted Mr. Grenville's expressions at the time the Bill was under consideration; from whence he declared, that all election matters and merits not specifically and obviously included within the purview of Mr. Grenville's Bill, remained subject to the old common law as it stood before the passing of the statute, and that consequently the petition could only be received and considered by the House as any other petition that was without the meaning of Mr. Grenville's Bill. The petitioner might be heard by his counsel at the bar in support of it, and to such a motion he should have no objection; but at present he should move, "That the said petition does not come within the description of a petition complaining of an undue election or return of a member or members to serve in parliament, the proceedings upon which are regulated by two Acts, made in the 10th and 11th years of his present Majesty's reign, for regulating the trials of controverted elections, or returns of members to serve in parliament."

The *Master of the Rolls* seconded the motion. He said, the Act of Mr. Grenville, of which he thought highly, clearly regarded sitting members only, and provided for the trial of an election-cause between parties. In the present case there were no parties, there had been no election, there was no return. It was impossible to say who was chosen, and there was but one petitioner. If he were to give his opinion upon the paper that had been delivered to the sheriff by the high bailiff, he should certainly not pronounce it a return of members, for it stated not who were, according to the judgment of the returning officer, duly elected; it was merely a return of another kind, a history of the proceedings at the Westminster poll; an account of the *res gestæ* there, by way of apology made by the high bailiff to the sheriff, as a justification of himself for not being able to make a complete return. The statute of the 11th of king William had been a good deal mentioned the preceding day: it was, he said, to him no new business; and he had his doubts whether that statute had any reference whatever to the high bailiff. He was inclined to think it had not, because no such person as the high bailiff, or any other returning officer, other than the sheriff, was recognised in it. That Act ordered the sheriff to make his return to the writs, for the election of members to serve in parliament, to the clerk of the crown, and directed that the sheriff should pay to the said clerk of the crown the ancient and lawful fees of four shillings and no more, for every knight of the shire, and two shillings and no more, for every citizen, burgess, or baron of the Cinque-ports, and should charge the same in his account. Upon this the Master of the Rolls reasoned, to prove that the sheriff alone was amenable to the statute, asking what account the high bailiff ever kept at the crown office, and what fees he ever paid there? He was clearly of opinion, that the petition came not within the meaning of Mr. Grenville's Bill.

Mr. *Fox* declared, that he would be free to confess, that in one point he was rather inclined to the opinion of the learned gentleman, and that was merely with respect to the return; but that although his petition was not within the letter of the Bill of Mr. Grenville, he was persuaded it came within the spirit of it, and he hoped the House would have suffered it to go to a committee, though he saw pretty plainly that it was not their intention. He took notice of the Master of the Rolls having declared that it was no new business: he said, he verily believed it was not a new business to any of the learned gentlemen he saw opposite to him, for he was persuaded they had all been consulted in the contrivance and fabrication of the curious device that had been hit upon, which, though it was not to be deemed so far a return as to permit him to petition the House upon it, so as to obtain a hearing

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before a committee upon their oaths, it was nevertheless to be deemed a return sufficient to exculpate and save an atrocious delinquent from punishment. From this remark, Mr. Fox proceeded to state the peculiar difficulties that had been thrown in the way of his being returned for Westminster. He said every other candidate in the kingdom had been allowed to try his chance fairly; but it appeared to have been determined by administration, that let Mr. Fox have ever so great a majority, let him even have had all the votes of all the electors, that unfortunate candidate was to have been prevented from taking his seat for Westminster. Various had been the stratagems put in practice to defeat his election. At first the design seemed to have been, to poll any votes for his rival, no matter how bad; but that method was soon abandoned, as too glaringly partial to be persisted in: then probably the idea of making a double return was paused upon; but as in that case a petition would have carried the matter before a committee of the House, under Mr. Grenville's Bill, the right to the seat would have been decided sooner than it was wished to be, and therefore that plan was likewise abandoned. All along administration had used their whole weight and influence against him, and aggravated the expense to the utmost, by way of harassing the enemy as much as possible: last of all, the ingenious thought of drawing up for the high bailiff such a paper as would preserve him from danger, though the unfortunate candidate could neither proceed upon it one way nor the other, so as to obtain that seat which he was fairly entitled to, was adopted and carried into practice.

Mr. Fox added other arguments to prove how far the persecution was carried; if he attempted to avail himself of one statute, to which, from the complexion of his case, it appeared to be applicable, he was immediately told, it had no reference to that act of parliament; if he looked to another with a hope that it would protect him, and obtain that for him which in reason and justice he had a right to claim, he was told, he was as wide of the mark as ever, and so on: he had no doubt he should find it *ad infinitum*. With regard to a scrutiny, should the House be of opinion that it ought to proceed, what hope could he entertain of getting his seat for years? In London the scrutiny had continued for ten days, and about twenty votes only had been gone through; in what time, then, was it likely that the poll for Westminster should be brought to a conclusion? He took notice that a learned friend of his, speaking of the partiality of the electors towards him, had carried the paradox rather too far, and declared, that the votes for him had been almost universal: he would not venture to say this; but though he had not a majority of votes, yet it might fairly be said, that when a candidate like him, a known object of the enmity and persecution of government, ventured to stand for Westminster, to obtain an equality of votes, he must have a majority of wishes. He observed, that the latin word *votum* admitted of two translations, both of which applied to his case; for he might be said to have enjoyed the majority of the voices of his constituents, or he could not have been honoured with an equality of their votes. If, however, he had been chosen by the unanimous votes of all the Westminster electors, and lord Hood and sir Cecil Wray had chosen to demand a scrutiny, he was persuaded they might have kept him out of the House the whole session, perhaps the whole parliament. As the case stood, he was sincerely of opinion that his petition ought, from its coming within the spirit of Mr. Grenville's Bill, to go to a committee; there were parties, complete parties to try the cause between; lord Hood and he were one party; sir Cecil Wray and his electors another: sir Cecil Wray ought to petition, and then they would be properly before the House. As to there being no sitting members—What sitting members were there in the case of a double return?

Mr. Fox argued upon the necessity for a new law to be made, in order to bring cases like his within the jurisdiction of Mr. Grenville's Bill: at present, he said, those who affected to be most fond of that statute, took most pains to narrow its scope and confine its effects. This had that day been fully exemplified in the case of the Bedfordshire Petition. He saw the utility of that Bill more and more, and he wished to extend its jurisdiction to all possible cases of election. He remarked that he had somewhere heard something of the kindness shewn him by the electors of Ross and Kirkwall, when his election for Westminster was, as it had been termed, in its most forlorn state. Upon that head he could only say, that he was as much

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surprised when he learnt that he was to be returned for Kirkwall, as any one gentleman in the House could be. The honour was altogether unexpected by him, nor did he hear of it, till two days before he was chosen; but though he had not looked there for a resource, yet it would have been the height of imprudence for him, if he meant to be in parliament, to have trusted solely to Westminster. Of that he was aware all along, and his opinion was now fully confirmed.

Mr. Fox, before he sat down, said, it was his duty to present the petition, and to get it referred to a committee under Mr. Grenville's Bill, if he could; he owed it to his constituents, and he wished either to have a declaration from that House, that the high bailiff's paper was a return, or an order for him to make one. He was sure he was legally chosen, and that by a considerable majority, although it might be thought he was not. Possibly some hundreds who had voted for him would say, they voted for sir Cecil Wray, and so he was persuaded would others who voted for sir Cecil Wray say, they voted for him; but he knew the fact was not so; and that as to any real mistake of that kind, if there were any, there could be but very few. The seat he claimed as his right; he was contending for the possession by virtue of that right, and he wished to have it fairly tried: if sir Cecil Wray should appear to be legally chosen, let him take his seat; at any rate, lord Hood ought to have his seat, and the electors for Westminster be represented in some sort in Parliament. Mr. Fox, in the course of his speech, asked the Master of the Rolls, if, when he, the preceding day, called out *audi alteram partem*, he translated the word *alteram*, as alluding only to one of the two parties? He also mentioned the learned gentleman's having given the public to understand by his vote for Westminster, that he lived in his stables. Before he concluded, Mr. Fox said, he should not take the sense of the House by a division, but if the question were carried against him, (as he supposed, from the present temper and disposition of the House, it would be), he should move afterwards, that leave be given to bring up the petition, and that he might be heard by his counsel upon it at the bar of the House.

Mr. Chancellor *Pitt* contended, that instead of fairly and dispassionately arguing the petition on either of its true grounds, the construction of the statute or the practice of parliament, the right hon. gentleman had chosen, as usual, to throw out a great deal of inflammatory assertion, to scatter his invectives at random, and to mix much extraneous matter with his arguments, of a sort that could have been introduced with no other motive than for the purpose of confounding truth and falsehood, and by that means misleading the judgments and alarming the prejudices of the House. Had the right hon. gentleman fairly argued his petition, the whole merits of the case would have been found to lie in a narrow compass, and it would have been a very easy matter to follow his facts, and to put the question in its true point of view. The question was not, what had happened during the election for Westminster, nor what the difficulties were which the enmity of administration had provided for the unfortunate candidate, who had taken up so much of the time of the House in stating and describing the lamentable circumstances that had befallen him. The question merely was, did the petition upon the table come within the purview of Mr. Grenville's Bill? If it did, it undoubtedly ought to go to a committee; but if the House should be of opinion that it did not, undoubtedly it was neither consonant with the orders of the House that it should remain on the table, nor right that it should interrupt the regular business the House was at that time engaged in. The unfortunate candidate, among many other of the melancholy grievances he complained of, and which he had taken such pains to impress upon the minds of the House, with a view to hold himself out to the public as an object of the most unexampled ministerial persecution, had said, that let him resort to what statute he would, still he was to be told he could derive no benefit from it. To what was this to be ascribed, but to the right hon. gentleman (or rather, as he had chosen to describe himself, to the unfortunate canditate's choosing to resort to such acts of parliament as could not, by any fair construction of any of their clauses, be admitted to be at all applicable to his case? Statutes, however beneficial in their operation, however deservedly popular, must ever be taken as they were, and construed according to their clear import. Every act of parliament had its particular object, and could not be made applicable to such cases as by their ex-

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press wording their provisions did not extend to. This was the case with Mr. Grenville's Bill, and the petition upon the table; to which the clause of the Act that the House had heard read, had no reference whatever. Nor was there any thing in the argument of the unfortunate candidate, that in the case of a double return there were no sitting members. The fact was, on every double return there were four sitting members instead of two. With regard to the statute of king William not applying, he knew not whether the unfortunate candidate had most cause to lament, or the fortunate high bailiff had most reason to rejoice at the circumstance. Happy it undoubtedly was for the high bailiff, that it turned out that he had duly discharged his duty, and fully complied with his oath and with all that the statute required at his hands, in stating his reasons for not having made the return which the unfortunate candidate had expected. With respect to the pointed charge which the unfortunate candidate had made against his learned friend, the charge of not coming new to the business, every man who was acquainted with the respectable character of the learned gentleman, and his uncommon share of professional knowledge and professional learning, would not only wonder if the 11th of king William were new to him, but even if almost any of the laws in our statute-book came under that description; indeed the right hon. gentleman had forgot that he himself had taken care that the business should not be new to any part of the House, since on the first day of the session, before a Speaker was chosen, and before any business whatever could be brought on consistently with the forms and practice of the House, he had risen and urged it most indecently upon their notice. The right hon. gentleman, not contented with most foully and illiberally abusing administration, and imputing to them designs which they had not dreamt of, and devices which they had never practised; not contented with insulting the understandings of that House, contemning its decisions and arraigning its justice, had exceeded even his usual scope, and carried his invective beyond those walls, comprehending all his constituents in one general censure; a censure that involved in it the charge of perjury. [A cry of, No! no!] So soon had the right hon. gentleman forgot his obligations to the electors of Westminster, so soon had he lost sight of the arts of ingratiating himself in their favour, which he had been practising for the last two months with unexampled zeal, and according to his own account, with such unexampled success, that he had not only obtained a majority of their votes, but, according to his own elegant translation of the Latin word 'votum,' a majority of their voices, and even what was still more, a majority of their wishes! With regard to the time that a scrutiny would take, the bare mention that in the election of Vandeput and Trentham, 1,500 votes were set aside in the course of one session only, when sessions were much shorter than they had been of late years, was sufficient to prove that the unfortunate candidate had very greatly aggravated the length of time a scrutiny was likely to take up before it could be completed; and as to the imputed wish of ministers to keep the city of Westminster without its representatives, he would leave it to the good sense of gentlemen to determine, whether it was likely that administration should entertain so absurd a wish as that of preventing lord Hood and sir Cecil Wray (who probably might be the members returned at the end of the scrutiny) from taking their seats, since it was pretty well known that both those gentlemen were actuated by sentiments, and that they entertained political principles friendly to the present government. He said, what impressed his mind, from an impartial consideration of the whole of the case, and which he presumed made the same impression on the minds of all candid men, was the necessity for a new law to regulate the elections for Westminster in future; a law that might direct the duration and limit the continuance of those elections, so that the bailiff of Westminster should be able to take the poll, and even conclude a scrutiny, (should a scrutiny in his judgment appear to be necessary) in sufficient time to enable him to make a complete return to the sheriff, by the period appointed in the writ for such return to be made to the clerk of the crown. An act of parliament like that he had described, Mr. Pitt said, appeared to him to be highly necessary; and he trusted he should have the support of the right hon. gentleman and of the whole House, when a Bill for the purpose should be submitted to their consideration; by that means endeavouring to convince the public at large of the wisdom and practicability of a measure, which ever had been, and still was, nearest his heart,

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viz. a sober, temperate, and useful reform of the state of parliamentary representation. He wished the case of the Westminster election to be fully heard and impartially discussed; but he was firmly of opinion that the petition came not within the purview of Mr. Grenville's Bill; and being of that opinion, his regard for the rules and orders of the House obliged him not only to vote against the petition going to a committee, but against its remaining on the table, till it came there in a manner more consonant to the orders of the House and the practice of parliament.

The motion was agreed to; after which the petition was withdrawn. It was again presented in the course of the evening, and ordered, "That the matter of the said petition be heard at the bar of this House upon Friday the 28th inst. and that the petitioner be then at liberty to be heard by his counsel in support of the said Petition." The bailiff and deputy bailiff were ordered to attend at the same time.

May 31. Mr. *Fox* presented a Petition from certain electors of Westminster, complaining that no return was made, and that they were liable to be taxed, though unrepresented in parliament; the petitioners therefore prayed the House to take the facts alleged into their immediate consideration. Mr. Fox moved, "That the Petition do lie on the table."

Mr. *Dundas* urged the impropriety of any such motion, as it would put the House into this absurd predicament: when they had heard and decided upon Mr. Fox's petition, the hearing of which was in progress, they would have the same cause to try over again, as the petition just read was for the most part precisely the same with that of Mr. Fox. He therefore moved, by way of amendment, to leave out the words, "do lie on the table," and insert, "be taken into consideration with that of the right hon. Charles James Fox."

Mr. *Rolle* seconded the amendment, declaring that the business of that House ought not to be retarded; that however Mr. Fox and the Westminster electors might wish to lead the House and take up their time, he had an estate and property which he was desirous of looking after, and having no views to hereafter, and no object within those walls but serving his country, he wished to go on with the public business without delay. The right hon. gentleman might think he could still lead that House; but he trusted he would find himself mistaken: and if he thought he could lead the people, let him only go into the country and hear their sentiments, and he would be convinced of his error.

Mr. *Fox* said, that the hon. gentleman might boast as much as he pleased of his estate and his property, but he trusted the cause of the electors of Westminster was of more consequence than the private concerns of any individual. It was a cause by which the very vitals of liberty would be affected. It was not the cause of this or that man, but the cause of the country. It referred to no less a question than the relation that representation had to taxation. Let the House remember that question had already shaken this empire to its foundation, and let them beware how they stirred it again rashly and ill-advisedly. The electors of Westminster were undoubtedly not represented; they had a right then to complain, and especially when they were about to be taxed, and to have their money taken out of their pockets. He trusted they had yet friends enow in that House to stand up in their defence; and however the hon. gentleman might despise the electors of Westminster, that the House would not despise a body who paid so large a share of the public taxes. The House might dispose of the petition as they pleased; he had done his duty in presenting it, and would not divide the House upon it.

The Amendment was agreed to.

June 2. Lord Mahon presented a petition from certain electors of Westminster, praying that the House would direct the high bailiff to proceed with the scrutiny.

Mr. *Fox* said, he did not rise to oppose the motion, but to remark, that although in ancient times there might be a precedent for a petition from a body of electors praying not to be represented in that House, he believed it was many years since any such petition had been presented; he could not therefore avoid observing, that the petition just read was perhaps the most extraordinary that had been received by the House in modern times; for certainly, for a body of electors to desire that they might not be represented at all, was a most extraordinary requisition, nor did he well see how the House could countenance it in any manner.

Mr. *Pitt* rose to prevent any wrong impression from remaining on the mind of the House, from the false state of the purport of the petition, which the right hon.

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gentleman had just given. The petitioners had not prayed that they might not be represented at all, but that they might not be misrepresented in that House, by having a candidate forced upon them by arts and fallacy, who was not the man of their choice. With this view he conceived it was that the petitioners desired the scrutiny might proceed, in order that the persons really chosen by them, namely, the candidates who should appear to have the largest number of good and legal votes, might be their representatives.

Mr. *Fox* observed, that the nature of the petition was such that it excluded the city of Westminster from having any representatives, which certainly was new and unprecedented: he should not have been surprised, had it desired sir Cecil Wray might be returned with lord Hood; but to hear a wish to have no member whatever, really astonished him.

The *Master of the Rolls* remarked, that new cases occasioned new precedents, and certainly the present was a new case, for the high bailiff was bound by oath to make a return of two persons, which appeared to him to have a majority of legal votes; therefore if he had any doubts, certainly it was nothing but right that he should have an opportunity to exercise his judgment before he made that return.

Mr. *Fox* denied that it was a new case; he insisted that it was nothing new for a poll to happen at an election; it was nothing new for a poll to last a considerable length of time; it was nothing new for a scrutiny to be demanded; it was nothing new for that scrutiny to be given up on account of there not being time to complete it before the return of the writ; in short, there was nothing new in the business, except a wish to establish a precedent that never before existed, of suffering a returning officer to proceed on a scrutiny, when the power that appointed him to hold the election was expired.

Mr. *Harrison* remarked, that the very prayer of the petition shewed that it was not a matter of right for the high bailiff to go on with the scrutiny, for if it was, the petitioners would have demanded it as their right, and not have taken the steps they had done.

Ordered to be taken into consideration with the other petition.

The order of the day for hearing counsel being read, they were called to the bar. Mr. Garrow and Mr. Douglas appeared in behalf of the friends of Mr. Fox, and both spoke for nearly two hours each. As soon as Mr. Douglas had concluded, he examined sir Barnard Turner, to know what had passed between him and his brother sheriff and the high bailiff of Westminster, relative to the return of the writ directed to him as sheriff of Middlesex, and commanding him to make a return of the same to the clerk of the crown, on or before the 18th day of May. Sir Barnard stated, that on Saturday, the 15th of May, his colleague and he sent the under sheriff of Middlesex to the high bailiff of Westminster, to inform him, that they meant to make a return to the writ on the 17th, and that they should stand in need of a return to the precept, direct to him from them, in order to enable them to make the return to the writ complete, for the clerk of the crown to deliver to that House.—This examination over, Mr. Garrow was called upon from the chair, to state what he had to advance in support of the petition of his clients; and although Mr. Garrow had been but newly called to the bar, and never pleaded before the Commons of England till that night, he acquitted himself in a manner equally tending to the advantage of his clients and to his own honour and credit.—Mr. Mingay was heard after Mr. Garrow, as counsel for the high bailiff, and replied to several of the principal arguments of the learned counsel who had been heard against his client. The main assertion on which the defence rested, was, that the high bailiff had an affidavit delivered to him during the poll, declaring upon oath, that persons were placed at the corners of streets, to conduct strangers to the hustings to poll for Mr. Fox, and that upwards of 400 persons names appeared upon the poll-books as having polled for that gentleman out of two parishes (St. Margaret's and St. John's) not one of which could be found, or was believed to be in existence. Mr. Atkinson was the first witness called by Mr. Mingay in support of the case he had opened, and it being signified by Mr. Watson, a counsel likewise for the high bailiff, that he wanted Mr. Atkinson to prove that he had given the high bailiff information, during the poll, of a considerable number of persons having voted for Mr. Fox, not one of whom was to be found, a debate arose and continued some time. In the course of it, Mr. Fox gave vent to his indignation, rouzed by a reflection on the trial for murder which he had been present at

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the preceding day at the Old Bailey. After much altercation, lord North moved, "That the counsel be restrained from producing any evidence to impeach the legality of votes at the late election for Westminster."

Mr. *Pitt* moved, by way of amendment, to insert the word 'particular' before the word 'votes.' This gave rise to a new debate, in which Mr. Fox, lord North, and the Master of the Rolls, the Solicitor General, Mr. Lee, and Mr. Wilberforce took part. The arguments urged against the amendment were, that it tended to open an inquiry into the merits of the late election, a question the House was not competent to go into the discussion of, it being by law referred to the cognizance and investigation of another jurisdiction. At length Mr. Scott assigned his reasons for disapproving of the amendment, and for being clearly of opinion, that it was more consistent with legal propriety to negative the original question. Mr. Scott laid it down as a maxim from which he never would depart, that the established rules of evidence ought to be, on all occasions, strictly and invariably adhered to; no one of those rules he held more sacred, than that every sort of evidence which could tend to support a defence, ought to be gone into and heard, however the hearing of it might lead to a particular inconvenience. He could not for a moment agree to the idea, that it was wise or justifiable to make particular exceptions, in regard to evidence on any occasion, which exceptions so introduced would not admit of a general application. Mr. Pitt declared himself convinced by Mr. Scott's reasoning, and admitted that it would be more consistent with legal propriety to negative the original motion. Mr. Adam said a few words in condemnation of the amendment, and in support of the motion, as moved by lord North. After which the previous question was put and lost. The original motion was then put, and the House divided: Yeas 77; Noes 212.

Mr. Atkinson was now called to the bar, and went through a very long examination. Various debates ensued upon different questions put to him, and much warmth appeared in the course of them on both sides of the House, particularly between Mr. Fox and lord Mulgrave, the latter in great heat insinuating, that 'base and shuffling tricks' had been practised at the election, to trap and ensnare the high bailiff.

Mr. Fox took up this charge very seriously, declaring in a tone of great solemnity, that if the noble lord meant, when he used the expression of 'base tricks,' to couple the assertions of the counsel at the bar with his conduct, and to apply the words to him, before the facts on which he grounded the assertions were heard in evidence, and before he had been heard in his defence upon those facts, the noble lord held a language which no gentleman, which no man of honour, which no man of feeling, and which no man fit to be received into the company of gentlemen ought to hold; indeed, he trusted every gentleman, every man of honour, and every man of feeling who heard him, would have been ashamed to have held such language under the circumstances he had described.

Lord *Mulgrave* explained, that he had no personal meaning in the words alluded to, assuring the right hon. gentleman that he had not coupled them with the assertions of the counsel at the bar. He declared he had no ill will to the right hon. gentleman as an individual, and that every thing he had said upon the occasion, had been said by him merely on a public view of the question.

At six in the morning, the further hearing of the counsel was adjourned till the House met again.

June 3. The order of the day being read, counsel were again called in.

Mr. Douglas, on behalf of the petitioning inhabitants, claimed the judgment of the House, whether the high bailiff, being petitioned against upon the general ground of not having made a legal return to the writ according to law, should be allowed to give in evidence a particular charge against the voters, and thereby prejudice the merits of the whole election? Upon this, counsel were ordered to withdraw.

The *Master of the Rolls* first observed, that the high bailiff being before the House upon a criminal charge, had a right to make the best defence, and adduce the best proofs in his power.

Lord *North* contended, that should the House admit evidence to such an extent, it would commit a flagrant act of injustice upon the petitioners, and would be hearing evidence *ex parte*, without a possibility of the petitioners replying; that if voters were to be thus attacked in the aggregate, or in detail, just as it suited the interest or inclination of the high bailiff, there was no knowing the extent of the

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mischief; that such kind of evidence was as unnecessary as it was wanton and cruel.

The *Master of the Rolls* moved, "That the counsel for the high bailiff be admitted to produce evidence to authenticate the lists of spurious voters alluded to in the evidence of Mr. Atkinson."

Lord *North* moved an amendment, by leaving out the words 'authenticate the lists of spurious votes, &c.' and insert, 'to establish that lists of voters alleged to be spurious, alluded to in the evidence of Mr. Atkinson, were actually made out and presented to the high bailiff before the close of the poll.' He observed, that this amendment went to the very point that the high bailiff wanted to establish, without bearing that odious colour of prejudging the merits of the election, when, in fact, the only business before the House was an inquiry into the conduct of the returning officer.

The *Lord Advocate* insisted that the returning officer could not possibly justify himself in having delayed the return, without shewing at the same time the number of bad votes which he had been credibly informed, had been obtruded upon the poll; and this could be done in no other way than by calling evidence to authenticate those lists delivered to him for that purpose, and upon the credit of which he had granted the scrutiny.

Lord *Mulgrave* observed, that although he believed there was too much truth in the report of foul and corrupt practices being used at the election complained of, yet he could not agree to prejudge any one vote, much less several large lists of voters, when it was very evident that the high bailiff could justify himself without adducing such proof; for that reason, if the noble lord would agree to another amendment of his amendment, to add after the word 'authentic,' 'which persons were competent to give such evidence,' he would support the noble lord's amendment. This went to an entire extenuation of the high bailiff, if that officer could bring any such proof; and if admitted, he should certainly vote for the question in its amended state.

Lord *North* immediately acceded to the proposition, and the House seemed to accept of it cordially, when

Mr. *Pitt* said, he was by no means for shackling the evidence; if this amendment passed, it would be construed into a general rule, continually hanging over the House, and would most probably be set up against every species of evidence, however necessary to be brought forth, in order to illustrate the inquiry; and thereby in a great measure tend to defeat the intentions of the House. He was not very pressing upon the subject, but he apprehended, that if the common rule of evidence was resorted to, it would be fully sufficient to answer every purpose upon the present occasion.

Mr. *Fox* said, he trembled for the fate of his cause when he clearly saw such an evident intention of prejudicing the minds not only of that House but of the nation at large. He proved to a demonstration, that such evidence was wholly unnecessary, that it was calculated only to impress an unjust idea of the measures pursued by him and his friends in the like business, that it was a new and unheard-of species of oppression, that a man should be condemned before the matter was fairly at issue, in a court where he could not possibly have it in his power to resist the charges, however wicked or malevolent, in order to fix a stigma upon his conduct. That if the House did allow such evidence, he must, he would, claim the justice of the House, that he might have time to answer such charges against his voters; that the House might in that case be justly charged with the delay, and not him. Under pretence of acquitting the returning officer, he and his friends must be held up in a criminal light to the whole world; and after four or five years, the committee might ultimately decide that the charges were false, wicked and unjust: this, he said, was not the sort of satisfaction due to him, his friends, and constituents; therefore he did not claim, but demand the justice of the House. He said that whatever might be the violence of certain persons against him, yet that the House for its own honour, its own dignity, its own justice, must adopt the amendment, or give him sufficient time to answer any particular or general charges.

Mr. *Martin* said, that as an elector of Westminster, and a steady friend to parliamentary representation, he wished to say a few words on this question. He thought every man in this country ought to be represented, and that it was a very serious matter that such a city as Westminster should be deprived of its rights, but that surely it might be a greater grievance to have a false representation forced upon that city than to wait a short time for the real objects of its choice. He heartily wished to have this matter brought

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to an issue as speedily as might be. If it could be decided during this session by a committee chosen according to Mr. Grenville's Act, he should prefer that judicature to any other; but if such a committee could not sit upon it during this session, in that case he should wish that an immediate scrutiny might take place, that whatever scandalous tricks had been practised on either or both sides might be forthwith brought to light, and exposed to the detestation of mankind; that if the high bailiff should act partially or any way improperly during such scrutiny, he would be amenable to the bar of the House to answer for his conduct, and that it were to be hoped that no party consideration should have weight enough to screen him from their indignation.

The House divided: For the original question, 180; For the amendment, 81.

June 7. The order of the day being read, three witnesses were examined on the part of the high bailiff, and one on the part of Mr. Fox. The questions put to them went principally with respect to the lists of bad votes for Mr. Fox, stated to have been delivered in to the high bailiff and his deputy, by sir Cecil Wray and his friends. During the examination of Mr. Grojan, the deputy bailiff, Mr. Erskine asked the witness, "whether information had been given to Mr. Fox or his agents, of such lists having been delivered in to the high bailiff and himself as he had stated?" Mr. Grojan in reply said, "Mr. Fox's agents knew of them." Mr. Erskine upon this asked, "how the witness was assured that the persons to whom he alluded, as knowing of the lists of bad votes, were Mr. Fox's agents?" Mr. Grojan answered, "because they appeared on the hustings as Mr. Fox's friends;" and was proceeding to add other reasons, when Mr. Erskine, as it were, with an irresistible impulse, interrupted the witness, by urging that "if all the friends of Mr. Fox were to be deemed his agents, almost every honest man in the kingdom, out of that House, might be considered as his agent." Upon this,

Sir *James Johnstone* rose, with great warmth, and desired to know if the learned counsel was to be permitted to abuse a witness under examination at their bar, with impunity? Counsel being ordered to withdraw,

Sir *James Erskine* declared, he had heard no abuse proceed from his hon. relation, and desired the hon. member would state what it was that the learned counsel had said which could justify such a charge?

Sir *James Johnstone* said, he would not be the man to flinch from any assertion of his, or to desert the ground that he had once taken. He desired, therefore, that the counsel might be called in to repeat what he had said.

A murmur ran through the House, as if this would be highly improper.

Mr. *Rolle* said, the fault lay with the Speaker; if he would exert himself properly in the chair and do his duty, the House would proceed with much greater dispatch. When he gave his vote for seating the present Speaker a second time, he declared he did it under an idea that he would keep that House in order. If this had been done, they would not have seen Mr. Fox rise and speak in his own cause so often. He called upon the chair to know, whether it was not highly disorderly for a counsel at the bar, or even for a member of the House, to interrupt a witness in the middle of his answer to a question that had been regularly put to him?

The *Speaker* said, it certainly was extremely disorderly, either for a member or counsel so to interrupt a witness; but in the present case, he really had not heard what had been said by the counsel, or he should have told him his interruption was disorderly.

Mr. *Pitt* endeavoured to put an end to the debate, by stating, that whatever the counsel had said, he did not conceive it was said with any ill intention, and possibly it might be part of his instructions for him to act in the manner in which he had acted; be that matter as it might, he hoped the House would not lose another moment upon so frivolous a topic.

The counsel were called in, and the examination proceeded. At length, having got through the evidence on both sides, Mr. Watson was called on to reply upon the whole of the case. The learned counsel argued very ably in extenuation of his client, for about an hour. He concluded with requesting the indulgence of the House, that his client might be permitted to read his own defence in person. The high bailiff was called to the bar, and delivered from a paper a speech, which he called the reasons that operated upon his mind to grant the scrutiny. It stated, that there were 10,000 votes given

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in the course of the first ten days; that in Vandeput and Trentham's election, there were only 9,200 votes, and in the present instance 12,200; that there could not be such an increase, considering the operation of Mr. Crew's Bill; that Mr. Fox threatened a scrutiny when he was in a minority, &c. After the bailiff withdrew, lord Maitland moved, That the high bailiff be asked by the Speaker whether he had any objection to lay his speech on the table for the perusal of the members. This was negatived without a division. Mr. Erskine was then heard on behalf of Mr. Fox for two hours and a half, and at half past two in the morning the House adjourned.

June 8. The order of the day being read, for taking into further consideration the matter of Mr. Fox's petition, and also the other petitions relating to the late election for Westminster, and to the return of the bailiff of the said city, to the precept of the sheriff of Middlesex,

Mr. *Welbore Ellis* rose. He observed, that the counsel on all sides having closed their evidence and their arguments, it remained now for the House to apply that evidence and those arguments, and finally to determine what farther steps it might be necessary to take, in order to bring the business of the Westminster election to a conclusion. The question before the House was a plain question of law; and though gentlemen might endeavour to perplex it, yet it might be decided by any man who was conversant in the law of parliament. He then laid down this proposition as an undeniable maxim, that in the exercise of the ancient prerogatives of the crown, derived from or coeval with the common law, the King (when he exercised them with sound discretion) was absolute; for if in those points he was not absolute, the very end for which these prerogatives had been entrusted to him by the constitution, would be defeated, to the great detriment of the people at large. Now, of all the prerogatives of the crown, the highest and noblest was that of calling parliaments; the necessity that parliaments should meet was so obvious, that the wise framers of the constitution had vested in the King the absolute prerogative of calling them, and ordering them to meet when and where it should appear to him most conducive to the public good. But if his commands relative to election and meeting of parliament were not absolute, then might sheriffs and other returning officers, by disobeying the commands of the sovereign, frustrate all his designs for the benefit of the state, and totally prevent the meeting of parliaments, however necessary they might be to the nation.

This rule, then, being laid down, he said he would apply it to the case now under the consideration of the House. The King having, by the advice of his council, thought proper to call a parliament, and having judged it expedient that it should meet on the 18th of May, issued his writs to the different sheriffs, and laid his commands upon them, that they should cause members to be chosen to sit in the House of Commons; and that they should return their writs with the names of the members, on or before the 18th of May. Now, the question was, whether these commands were peremptory, and absolutely binding, or not. In his opinion, they were peremptory; for more mandatory, positive and express no man could devise than those which were contained in the writ; and indeed the most dangerous consequences might ensue if they were not so; for if the returning officers should once be able to establish this point, that they have a discretion whether they will return the members on the day specified in the writs or not, then it must be admitted that the meeting of parliaments would depend, not on the will of the King, whom the constitution had made the sole judge of the time when they ought to meet, but on the whim, the caprice, the corruption, or the partiality of returning officers; and then perhaps something worse might happen than the not having any parliaments at all; for then there might be packed parliaments, which being the mere creatures of ministerial influence, might vote away the liberties and property of the people. He held himself therefore justifiable in insisting that the returning officers were bound at common law, as well as by statute, to return the names of the members with their writs; and he was fortified in his opinion by the silence of the Journals, which silence was pregnant with conviction that our forefathers thought the order in the King's writ peremptory, mandatory, and absolute, to return the members on the day specified in the writs; for in all the Journals there was not one single instance to be found, in which a returning officer had ventured to return members

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after a general election, on any day after the writ was made returnable.

The high bailiff's conduct, then, was, in his opinion, contrary to the ancient and known law of the land. He had heard one argument or plea urged as a justification of this conduct, and this was the oath of the high bailiff, by which he was bound to make a return of such candidates as should, in his judgment, appear to have a majority of legal votes; it was by this oath that the gentlemen on the other side of the House had endeavoured, through the course of the examination, to justify the disobedience of the King's orders conveyed in the writ to the sheriff of Middlesex, and by the sheriff's precept to the bailiff of Westminster, to return, on or before the 18th of May, two members to serve that city. But the justification built on this oath would not, he believed, be found satisfactory; for, in the first place, those who had recourse to the oath as an exculpation of the bailiff, must prove that there was a difference between the oath taken by a sheriff and that which was taken by an inferior returning officer; for, otherwise, this absurdity would arise, that the King's command to the sheriff would be preremptory, for the reasons he had already given; while, in contradiction to those reasons, they would leave a discretionary power to the bailiff (who, by-the-bye, derived his whole authority from the sheriff's precept) to return the members whenever he should think proper; so that the inferior officer would be left at liberty to act according to his own judgment, or as his caprice should lead him, while his superior would be under the necessity of paying implicit obedience to the King's commands. This was the task which those gentlemen must undertake, who should attempt to justify, by the oath, the bailiff's disobedience to the common law, which enjoined obedience to the orders of the sovereign contained in his writs.

When he insisted that the oath was not a justification of the bailiff's conduct in not making a return of members on or before the 18th of May last, he did not mean to detract, in the smallest degree, from the sacred obligation of an oath; he contended only, that the inferior returning officers should make up their minds in the same time which was allowed to their principals; and as sheriffs were bound to form their judgment, so as to make the return of members on or before the day appointed for the meeting of a new parliament, so he would have bailiffs and other inferior returning officers bound in the same manner, and not left at liberty to sport with the public, by withholding their returns under the specious plea of not having sufficiently satisfied their consciences with respect to the legality of the votes appearing on their several polls. He begged the House would recollect, that returning officers were not the only persons who took oaths to pronounce a judgment according to their conscience: all judges took such oaths; but did it follow, that because they were bound by oath to decide according to the dictates of conscience, that they were to take what time they pleased to satisfy their conscience? Certainly not: a reasonable time was certainly necessary; but in some cases, and those, too, of the utmost magnitude, as affecting the very lives of men, the law did not leave the judges at liberty to take what time they pleased for satisfying their consciences. In the case of juries, gentlemen knew very well that whenever they left the court to deliberate on a verdict in case of life and death, the law, in order to take from them the discretion of employing as much time as they pleased in forming their judgment, shut them up in a room, without victuals or fire, until they were agreed in their verdict; so that the law allowed no longer time to juries for making up their minds, in all cases of life and death, than a man might live without food or fuel. He trusted the House would agree with him, that a returning officer would do much less mischief in returning a candidate not duly elected, than a jury could do by capitally convicting a prisoner not legally found guilty: in the latter case, the judgment would be final, and without appeal; whereas in the former, the error might be set right by a committee of the House of Commons; and yet the bailiff called for a ten times longer term for making up his mind respecting a return, than the law allowed a jury for acquitting or condemning to death their fellow creatures.

Now, with respect to the claim put in by the bailiff for time to satisfy his conscience, it appeared to him to be very ill-founded; because, in the whole course of a long parliamentary life, he had been ever taught to think that the poll was evidence to and against a returning officer, and that consequently the numbers on the poll ought to be his guide in making the return: to overturn this long-established rule, might be attended with the most alarming

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consequences. From the opinion he entertained relative to the poll being conclusive evidence to and against the returning officers, he could not but call the paper given in by the high bailiff a return, as it fairly stated the numbers polled for all the candidates, and wanted only the formality of the indenture to be a complete return. It was therefore for these reasons that he intended to move, "That it appearing to this House that Thomas Corbett, esq., bailiff of the liberty of the city of Westminster, having received a precept from the sheriff of Middlesex for electing two citizens to serve in parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, he be now directed forthwith to make return of his precept, and of members chosen in pursuance thereof." Before he sat down, he observed that as far as the evidence went relative to what the bailiff had been told about disqualified persons who had voted, it did not in the smallest degree justify the returning officer in his mind, because it was so very loose that it did not deserve attention; and if such loose evidence of hearsays should once be admitted as an excuse for deferring the return, it would be at all times in the power of the unsuccessful candidates to prevent the return of their more successful adversaries, by suggesting to the returning officer that great numbers of disqualified persons had been admitted to poll for them. He concluded with making his motion.

Mr. *Anstruther* said, that after the learned arguments that had been urged by the counsel at the bar, it would be presumption in him to tread over the same grounds: he would therefore endeavour to touch briefly upon the other topics, from which he hoped he should be able to draw some arguments that would prove the propriety of the motion made by the right hon. gentleman; and first, he would examine how the common law stood respecting the question of returns; next, whether any, or what alteration had been made in it by statute. He first laid down this position, that where no statute interfered, the exigencies of writs, which were founded on the common law, must be complied with in the manner and within the time specified in the writ: this was a maxim he supposed no man in the House, of any profession, would or could controvert. The writs always specified the day fixed for the meeting of the parliament, and commanded the returning officers to return the writs and the members on or before that day. Now, if the exigency of the writs must be complied with, it would follow of course that the names of the members must be returned according to the express command contained in the writs; and in corroboration of this common-law doctrine, he quoted the 23d Hen. 6, ch. 15, which said, "The king, considering the premises, hath ordained, by authority aforesaid, that every sheriff, after the delivery of any such writ to him made, shall make and deliver, without fraud, a sufficient precept, under his seal, to every mayor and bailiff, &c. of the cities and boroughs within his county, reciting the said writ; commanding them by the said precept, if it be a city, to choose by citizens of the same city, citizens; and in the same manner and form, if it be a borough, by the burgesses of the same, to come to parliament: and that the same mayor and bailiffs shall return lawfully the precept to the same sheriffs, by indentures between the same sheriffs and them to be made, of the said elections, and of the names of the said citizens and burgesses by them so chosen; and thereupon every sheriff shall make a good and rightful return of every such writ, and of every return by the mayor and bailiffs," &c. Then followed a penalty to be inflicted on every returning officer refusing to return the persons elected. Here, he said, was plain proof that no discretion was left with the returning officer respecting the time in which the return was to be made. The words of the statute were mandatory; and every kind of return short of the members, was an infraction of this law. But this point would appear infinitely more clear from another part of the same statute, which shewed clearly that the return of the members must be made on or before the day fixed for the meeting of a new parliament. The words were these: "Provided always, that every knight, citizen, and burgess, to come into any parliament hereafter to be holden, in due form chosen, and not returned as aforesaid, shall begin his action of debt aforesaid within three months after the said parliament commenced." Here it was evident the person injured by a non-return could bring his action any time within three months—after what? after the period when cause of action accrued; when the offence or injury on which such action

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was grounded, was given and completed —and when was that? after the same parliament commenced; that was to say, that the injury was completed on the day of the meeting of the parliament. It was clear that the injury must have been sustained before the meeting; it was equally clear that the injury was a non-return; and it as clearly followed, that if the returning officers wished to avoid the penalty of this statute, they must, as in duty bound, make a return of the members on or before the meeting of the parliament; beyond which period the law would not allow them any power, under colour of discretion, to withhold their returns. This statute was farther corroborated by the 10th and 11th Will. 3, which had been so often quoted. Here, then, was his doctrine founded in common law, and confirmed by statutes. It was now necessary to inquire whether any alteration of the one or the other had been made by subsequent acts of parliament. It had been urged, that, by a subsequent statute, an oath had been imposed upon returning officers, by which they were bound to determine according to their judgment. But he would ask, whether the same oath was not imposed upon sheriffs; and whether any lawyer would venture to say that it was less binding upon them than upon mayors or bailiffs? It was not urged by any one that a sheriff could, without committing a breach of his duty and of the law, refuse to return his writ on or before the day specified in it: the law was the same for the latter as for the former, and consequently the inferior officers were bound to return their precepts in due time for the sheriffs to annex them to their writs, so that the whole should be completely returned before the meeting of parliament. But he would ask gentlemen when this oath was introduced? It was well known, that from the reign of Henry 6 down to the year 1698, when the 10th and 11th Will. 3 passed, and from that period down to the year 1730, this oath was never included in any act of parliament: in 1730, indeed, it was introduced, for the first time, in a bill brought in for a particular purpose, and merely as an additional obligation on returning officers to act with impartiality. But would any man attempt to say, that the common law of the land, and the most positive statutes, were to be swept away and overturned by a side wind—by a particular clause inserted in a private act of parliament? Surely no man would venture to say, that laws as old as the constitution, and founded on the most essential principles of that constitution, could be done away by any thing short of a plain and positive law; or that an obscure clause in an obscure, because private act of parliament, could possibly be construed to operate a repeal of laws founded on principles, without which the constitution of this country might be annihilated. But it was said, that though the poll could not possibly be continued after the day specified in the writ, yet a scrutiny might. That the poll could not be continued after that day, was fully admitted by the high bailiff himself, who, as it appeared in evidence, had closed the poll of his own authority, and not because there were wanting electors to keep it open, under the idea that he could not receive any votes after the day fixed for the return of the precept. The bailiff having admitted this, it remained for him (Mr. Anstruther) to prove that the scrutiny could not be carried on any more than the poll after the return day; and here he found no difficulty, for it was universally admitted that a scrutiny was in fact a continuation of the poll; for a poll ought to be a scrutiny, and a scrutiny a poll; and therefore as they meant one and the same thing, those who admitted that a poll could not be continued after the day of the return, must also admit that the scrutiny could not be carried on after that day. But not to build his argument merely on the admission of the premises by the other side of the House, he would prove it to a demonstration. It was known to be the law of the land, that if a court of election should be suffered, by chance, to break up without an adjournment, it could never be revived under the authority of the same writ or precept; and this was the case in a scrutiny; for if, before a scrutiny commenced, the court should by accident have broken up, without adjourning to some other day, there would be an end of its power—it could not sit again: and if, after the scrutiny had commenced, the court should separate, without having previously adjourned to some other day, the scrutiny must necessarily break off there, as the court could not sit again; and therefore, as from the beginning of the poll to the end of the scrutiny, the power of the court must be kept alive by successive adjournments, and would expire if, on

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breaking up of the court, no question of adjournment had been put or carried, he was well grounded in saying, that poll and scrutiny were synonymous terms; and that as one of them must avowedly be closed on or before the return-day specified in the writ, the other of course could not be carried on after that day. For these reasons, he held the bailiff's conduct, in granting a scrutiny to commence after the return-day, to be illegal and unconstitutional; and that it was the business of the House to compel him now to do that which it was his duty to have done on or before the 18th of last month, namely, to make a return of the members elected for Westminster: and for these reasons he should give his hearty support to the motion.

Lord *Mugrave* observed, that if there was one thing more happily calculated than another in this government for the good of the public, it was the inflexibility of the laws, which resisted the whims, undermining, or open attacks of those who felt them inconvenient. If there was any inconvenience, any absurdity, or any injustice in the election laws, he wished some gentleman would bring in bills to amend them; and he would readily concur in any regulation that might be thought prudent, expedient, or necessary: but as the laws now stood, the present question must be determined by them, and not by laws which might be hereafter enacted. He had no objection to a law that should prevent the protraction of a poll, by any candidate, to such a length that no time should be left for an inquiry into the legality of the votes; by which law, such a candidate would be prevented from getting such a majority upon a poll, of disqualified persons, as would secure to him for one, two, or three years, a seat in parliament, which legally belonged to another. The proposition then before the House was in itself a complete contradiction to, or refutation of the doctrine attempted to be established by the gentlemen over-against him; for though they had argued for many days past, as the counsel at the bar had, that the high bailiff was *functus officio*, yet the motion now before the House called upon that gentleman to do a ministerial act, after his authority, according to their opinion, had actually expired. The learned gentleman who had just sat down, had mentioned some acts of parliament, to prove that returning officers were bound, without any discretion on their parts, to return the members on or before the day fixed for the meeting of parliament. As to one of those statutes, he did not believe it was still to be found in our statute books; and as to the other, the 10th and 11th Will. 3, he would prove from the history of that Act, that it did not, and never was intended to make a provision for the case now under consideration; for, from the Journals of the House, it appeared that this Act was passed to check a practice that had grown too much in vogue among the returning officers, to keep their writs a long time after the election was over; and that this was frequently done from corrupt motives, or to answer party purposes: it was for this reason that a clause was inserted in it, to compel returning officers to return their writs within fourteen days after the election: and from an entry in the Journals of the 10th of January and 6th of February, 1698, it appeared that a motion was made, "That it be an instruction to the committee on the bill, that the writs be returned without delay;" and it was remarkable that no such words were now to be found in the Act; from which it might be fairly inferred, that the instruction was afterwards over-ruled in the committee. His lordship insisted, that the high bailiff was bound by his oath to return the candidates who should appear to him to have a majority of legal votes; and surely, in order to comply with the duty imposed upon him by this oath, he must make inquiries, and not make a return merely from the apparent majority; more particularly as he had, from good authority, sufficient reason to believe that a great number of disqualified persons had polled during the hurry of the election. In the first place, he knew that 4,000 had voted on this occasion more than had ever voted in any former election in Westminster. He knew that the poll had been crammed with thousands during the first ten days of the election, and that afterwards it was meagerly and slenderly fed with individuals. He knew that men were kept in readiness to feed the poll one by one, as occasion should require, that the books might not be closed; and that all this was done for the purpose of protracting the election to such a time, that no inquiry could take place into the illegality of the number of spurious votes that had been given. In justice, therefore, to the candidates who had the majority of legal votes; in justice to the

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electors, who ought not to have forced upon them a member who was not the object of their choice, the scrutiny ought to be carried on. It had been urged by one of the counsel, that Westminster would have cause to complain, if it should remain unrepresented; but the electors were too wise not to recognize that constitutional doctrine, that members, though elected locally, represent generally; and they would have the satisfaction to know, that if taxes should be laid upon them, they would have them to pay in common with all the constituents of the members who should vote them. They were too wise to take any offence at a scrutiny, undertaken for the purpose of doing them justice, by seating in the House those candidates whom a majority of legal voters had supported. They loved consistency too well to be offended at not having their members immediately seated in the House; for they had of late years seemed to reserve the honour of their representation for great naval characters, as a reward for their gallant achievements and services to their country; but in electing them under certain circumstances, it was evident that they did not expect them to take their seats immediately in parliament: they had chosen lord Rodney when he was in the midst of the glorious career that had recommended him to their favour; and they knew that he could not, without injury to the public service, be called home to sit in that House; they were satisfied with his services against the enemies of their country, and did not wish him to quit that line of duty in his profession for another in that House. They had also elected lord Hood for his gallant conduct in the line of his profession; and they were aware that when his country should stand in need of his abilities as a naval officer, he would be liable to be called away from the senate to serve his country in another way. They would not be offended if the high bailiff, through regard for his oath and respect for them, should take time to inquire into the legality of many hundred votes which he had been compelled to admit upon the poll by menaces and threats of actions and prosecutions. To him the high bailiff's conduct appeared manly, firm, and inflexible, and perfectly consistent with law and the constitution. Whether the House should think proper to order him to proceed in the scrutiny, he knew not; they were the best judges on that head; for his part, he could see no harm in it, and much good; and therefore he intended to give a direct negative to the motion.

The *Lord Advocate* opposed the motion. He built his argument upon the oath taken by the high bailiff, which had made it his indispensable duty to grant a scrutiny, and which would have subjected him to a conviction for perjury if he had made his return contrary to his oath. He said, if the election laws of England were like those of Scotland, the case then before the House could never have occurred; for in Scotland no adjournment of the court of election could take place. The election was begun and concluded the same day, and the poll, even during that time, was a scrutiny. He observed that there were two kinds of impossibilities, physical and moral; and he defied the most ingenious man to discover a difference between their effects; for if it was morally impossible for a man to do a particular thing, it was in effect the same thing to him if it was physically impossible: now, all the circumstances attending the poll considered, when from the numbers who had been admitted in the first ten days at least five persons must have voted every minute, he asked if it was not merely impossible for the high bailiff to scrutinize the voters as they came to the book, and whether he could possibly make a conscientious return without an after-scrutiny? One of the counsel at the bar had said, that a succession of generations might take place before a scrutiny should be closed; to this he would answer, that a succession of candidates might take place, if polls were to be protracted, as had been the last poll for Westminster.

Sir *James Erskine*, in a maiden speech, said he could not admit that the elections relative to Scotch counties were applicable to English cities: that there the whole proceeding must be heard in the same day, at the same place, and without power of adjournment: that here it was a long proceeding, day after day: that to prove the Lord Advocate was not acquainted with the mode of election for Westminster, it was only necessary to state his computation, which proceeded upon the idea of there being but one polling place, whereas there were eleven; therefore each vote had ten or twenty minutes to poll in, even on those days when 1,800 voters polled. Sir James took notice of lord Mulgrave's having described the representation of the

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city of Westminster as a reward for naval merit. He said, he made no doubt but the noble lord himself might, when he should obtain the command of the fleets of his country, and should fight with bravery and success, wish to be rewarded with the naval honour of representing the city of Westminster. He desired him, therefore, to take care how he established a precedent by his conduct now, that might prove fatal to his ambition hereafter; that some person, with less merit and less celebrity, might be prevailed upon by that court faction, which could bind the high bailiff of Westminster to their will, to oppose his pretensions; and that person, though far inferior on the poll, might demand a scrutiny. That when this candidate with few votes and no pretensions should be told by his lordship that he had no right to prevent his return, he would tell him with truth that the noble lord himself had established the precedent, so that the high bailiff alone was the judge of whether he should make the return or not. Sir James concluded with observing, that this determination might lead to the greatest absurdity; that as there was no scrutiny in Scotland, that part of the country might, for a considerable time, form the whole parliament; and recollecting, in the moment of their power, the abuse they had suffered in the days of their impotence, might be inclined upon a principle inherent in the human mind, to pay back all they had suffered, and put in execution the spirit of their motto, *Nemo me impune lacessit.*

Mr. *Powys* begged to know from gentlemen of the learned profession what the law was, and whether the high bailiff could or could not legally commence and carry on a scrutiny after the expiration of the writ issued to the sheriff of Middlesex? He was of the same opinion with the noble lord, and agreed that the inflexibility of the law ought to be manifested, let its effects be what it would. The question was, how did the law stand? With regard to the different acts of parliament, he was convinced that the 10th and 11th Will. 3, did not apply to the case; but there was another statute which did, he meant the 23d Hen. 5. While that Act remained on the statute books, he conceived no argument would hold that went to establish the doctrine that the high bailiff was not bound to comply with the exigency of the writ, and to make a return of the two members who appeared to have the majority of votes at the final close of the poll. He said, he had been sometimes thought to follow a whimsical line of conduct, and perhaps the vote that he had given for Westminster might be deemed a whimsical one, when he declared, he voted for lord Hood and Mr. Fox. As lord Hood had so great a majority, why did not that noble lord petition for his seat, that the city of Westminster might have some representative? He was sorry to see so respectable a character condescend to act at the will of others, and to suffer himself to be moved, like a mere puppet, by the minister. He expressed his entire disapprobation of the conduct of the House, should they rashly attempt to negative the question then before them; for they would thereby establish a precedent, which neither the statute nor the common law ever intended should be laid down. The learned gentlemen on the other side of the House said much about oaths; it would have been as well if they had had the goodness to tell the House, that the returning officer was by law obliged to take an oath previous to his acting in that capacity, the nature of which, in his opinion, was, that he, the returning officer, should return such persons as should appear to have a majority of legal votes tendered to, and accepted by him on the poll. It was a position clearly evident, that the returning officer was by law, and by the tenor of the writ to him directed, obliged to return those two who had a majority of votes on the poll; he should therefore wish that the House would not rashly pass such a vote that night, (which they most undoubtedly would, if they negatived the present motion) as perhaps they should hereafter wish to counteract. The people at large most undoubtedly would be roused at such a conduct; for neither usage nor law, statute or common, afforded a precedent of such a nature.

Mr. *Hardinge*, in a maiden speech, disclaimed all intention of dealing in technicals, arguing professionally, or in any shape speaking like a lawyer; he said, the case, to his imagination, had no mystery in it; it was plain, simple, and perspicuous, obvious to the most common understanding, and difficult only to those who chose to make a puzzle of it. An election consisted of different parts; of a thing called a poll; of a scrutiny, where occasion arose for a scrutiny; and of a return to the writ, or ground or sanction for the whole proceeding. Scrutinies had

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gone on repeatedly pending the sitting of parliament, and he had heard no lawyer yet take upon him to assert that a scrutiny was not legal. That being admitted, then it followed of course, that the Westminster election was incomplete and unfinished, because a scrutiny had been thought necessary, and there had not been time to go through with it before the time that a return to the writ was directed to be made to the court from whence it issued. What did the motion ask? It desired the House to forget, that with regard to elections it was an appellant jurisdiction, and to act in the first instance, and that in so absurd a manner, as to direct an appeal to be made before there were materials prepared and completed to form that appeal upon. The high bailiff, according to the motion, was to make a return upon an election, which election he had himself informed the House was incomplete and unfinished. The arguments advanced and pressed upon the House in support of this motion, appeared to him to be as extraordinary and ridiculous as the motion itself. It had been said, that the high bailiff could not commence and go on with a scrutiny after the 18th of May, because on that day his authority *quoad* the election, ceased, and he was *functus officio;* and the very gentlemen who had made this assertion had contended, that the high bailiff, who was *functus officio* on the 18th of May, should be ordered by the House on the 9th of June, to make a return to the precept issued to him by the sheriff of Middlesex: they wanted, therefore, to have a return signed by a dead man's hand. A great deal had been suggested about the old question of the connexion between taxation and representation, and tremendous consequences had been predicted from the revival of a subject that had been said to have shaken Great Britain to its center. It had been forgotten that this alarming argument applied to every double return, for upon double returns the boroughs for which such returns were made were liable to be taxed although they were unrepresented. But this question, applying, as it did, to a variety of other possible cases, had been suffered to remain quiet and at rest till now; it was evident it had been reserved for the compact case of the Westminster election, and now it was brought forward with all the solemnity and pomp that art and ingenuity could clothe it with. With regard to Mr. Grenville's Bill, which Mr. Hardinge said no man admired or loved more than he did, he could not but suspect a snake in the grass, from the loud alarms that had been sounded of the danger it was in; the noise made upon this subject led him to doubt the sincerity of those who raised it, and to suspect that it came from the enemies and not the friends of the Bill. After arguing that the Bill could receive no injury, because a case that did not fall within its reach was not forced unnaturally under its jurisdiction, he said, all the magic which he saw about the business lay in what had been termed the exigency of the writ; but that charm was easily broken. A great deal had been said upon this head, but those who had said it, forgot, that in cases of vacancies, scrutinies had repeatedly gone on while parliament was sitting; that being indisputably the fact, and it being admitted that scrutinies were legal, (for if they were not, all he had advanced was to no purpose) it was obvious to common sense that the high bailiff had not acted contumaciously, but the only way in which, from the circumstances of the case, he could act consistently with his oath and with his conscience. With regard to what step the House ought to take, Mr. Hardinge said, to that he had not entirely made up his mind; two modes of proceeding struck him, either to issue a new writ, and to consider the whole past proceeding as a nullity, or to direct that the scrutiny should be gone on with; the first of these he rather thought the most proper; but as the second was the most lenient to the right hon. gentleman, and would be attended with the least expense and trouble, he should rather be inclined to vote for that.

Lord *North* said, he could not pretend to cope with the learned gentleman who spoke last, either in learning or in abilities, but he would venture to make a few observations on his arguments. He had said, that all the magic of the business lay in the exigency of the writ; and by way of disenchanting the case and dispelling that magic, had observed, that scrutinies had repeatedly gone on pending the sitting of parliament; and had asked, where then was the exigency of the writ? It was easy to answer this question; and the answer was this: in the case of an election on a vacancy, there was no exigency to the writ; but in case of a general election, there was: what was the rule in the one case, therefore, did not apply in the other. The learned gentleman had declared there

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was a thing called a poll, and a thing called a scrutiny, and he argued that the election was unfinished. It certainly was, and for that very reason the present motion ought to go, because it ordered the high bailiff to make a return and finish the election. Whose fault was it that the election was not finished? The fault of the high bailiff, and of no other person. With regard to the two modes of proceeding recommended to the House by the honourable and learned gentleman, it put the House exactly in the situation of Fair Rosamond in the play, when by order of queen Eleanor, it was said to her, "Here is a dagger, and here is a bowl of poison, choose which you please, but one you must take." So the learned gentleman offered two propositions to the House, each of them fraught with death. In another part of his speech, the learned gentleman had said, he suspected a snake in the grass, when he heard so much of Mr. Grenville's Bill, and that he thought the noise came from the enemies of that Bill. He knew not who might be the enemies of that Bill, but his lordship declared he was not of that number. He had opposed that Bill originally; but it was well known, that after the House thought proper to adopt it, he had uniformly done every thing in his power to carry it into full execution; and after the experience that had been made of it, he was not only ready to acknowledge it to be a wise, just, and useful statute, but a statute not less convenient and serviceable to a minister than to individuals. His lordship said, he had heard frequently of a due return, an undue return, a special return, and a false return; but he had never heard before of an historical return.

The *Master of the Rolls* compared the case to the case of a sheriff's acting under a *capias ad satisfaciendum*, and went into the law argument with respect to the purpose of that writ, and the analogy it bore to the writ of election.

Mr. *Martin* desired to know, if a return was made by the high bailiff, and a petition delivered upon the ground of that return, whether such a petition was likely to be heard before a committee under Mr. Grenville's Bill in the course of the present session. If he could be assured that it was, he would certainly vote for the motion ordering the bailiff to make a return.

Lord *Maitland* said, he should conceive it must be referred to a committee on a very early day, because it would necessarily be governed by the same principles that applied to the case of lord Surrey, Mr. Fox having a petition presented against him for Kirkwall, and therefore he would stand as a member representing two places, against his election for each of which there was a petition.

Mr. *Harrison* thought the conduct of the high bailiff highly reprehensible. The sheriff was directed peremptorily by his Majesty's writ to make a return to that writ on the 18th. How was it possible for the sheriff to obey, if the subordinate officer refused or neglected to make a return to the precept directed to him to choose two burgesses for Westminster? The high bailiff was sworn to make a return; why, then, did he not comply with his oath? Nothing could be clearer than that the House had no option; they could only order the bailiff to do what he ought to have done before, viz. return the two candidates who at the final close of the poll appeared to have the majority of votes.

Mr. *Macnamara* grounded his argument upon the words of the oath taken by the high bailiff; that officer was sworn to make a return to the best of his judgment; surely the most arbitrary despots would not compel a man to declare what he had not made up his mind to. That House was not a court of inquisition, and could not arrogate to itself a dominion over the high bailiff's judgment; he ought to have time allowed him to exercise the means of forming his opinion, with regard to who had the majority of legal votes upon the poll; and what means, Mr. Macnamara asked, were so proper for the purpose as a scrutiny? For this reason he should vote against the motion.

Mr. *D. Pulteney* said:—Sir, I should not have presumed to trouble the House at this late hour, if I thought the question before us had really deserved all the eloquence and ingenuity which has been employed upon it both within and without the bar. However intricate it may have been rendered here, I think it really a very simple proposition, and may be contained in a nut-shell. The right hon. complainant has threatened the high bailiff with an action in the courts below; I foretel him, that this affair will be decided there in four hours, though it has engaged the attention of parliament for four days. I consider, Sir, three modes known to the law for ascertaining a majority of legal

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votes; the shew of hands, the poll, and the scrutiny. Nobody denies the legality of the last under particular circumstances: the scrutiny is to the poll what the poll is to the shew of hands, *i. e.* a more accurate investigation of that which the returning officer is not already enabled to declare consistently with his oath. The shew of hands at first would be a final and conclusive election, but that one of the candidates suggests a doubt of improper votes, if it may be so called, being given in so tumultous an assembly: the poll immediately ensues, and ninety-nine times in a hundred the poll is conclusive, and deserves to be so, because the poll is a sort of something, where the electors are few in number, or where the qualification is so widely different as it is in counties, the returning officer may almost always make a return from the mere poll consistent with the oath. What is the present case? The poll is at first so tumultuously conducted, by 1,800 polling in six hours, that the high bailiff declares he admitted numbers to poll from the urgency of the case, whom he intended afterwards to scrutinize. The poll, however, is so artfully protracted as to preclude the demand of a scrutiny in the usual stage, *i. e.* before a return. At this period, suggestions and even evidence are given him of what he declares he has so many reasons to suspect, *i. e.* that there were great numbers of improper names on the poll. The suggestion comes from one party only; it is the same when there is an appeal from the shew of hands to the poll. This is a special return without a precedent, and so was the election itself, from the poll being so crowded at the beginning and so protracted at the end. There may be no positive law to warrant this return; but the common sense and substantial justice of the case, which prevented the high bailiff from making any other return consistent with his oath, is with me a justification of his conduct. This House, I think, can give him no order to amend the special return he has already made; for the law, which directs a poll from the uncertainty of the shew of hands, undoubtedly admits a scrutiny in certain cases, must, in common sense, intend to admit a scrutiny where the poll so nearly resembles a shew of hands as to prevent the high bailiff being able to return upon his oath the two members duly elected.

Mr. *Fox* rose, and spoke in substance as follows:

Mr. Speaker; before I enter upon the consideration of this question, I cannot help expressing my surprise, that those who sit over-against me should have been hitherto silent in this debate. Common candour might have taught them to have urged whatever objections they have to urge against the motion of my hon. friend before this time: because, in that case, I should have had an opportunity of replying to their arguments; and sure it would have been fair to allow me the slight favour of being the last speaker upon such a subject. But, Sir, I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House. Sir, I say, "that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House."

In consequence of a murmur from the other side, Mr. Fox paused, and said, Mr. Speaker, there is a regular mode of checking any member in this House for using improper words in a debate, and it is to move, to have the improper words taken down by the clerk, for the purpose of censuring the person who had spoken them. If I have said any thing unfit for this House to hear, or for me to utter—if any gentleman is offended by any thing that fell from me, and has sense enough to point out, and spirit to correct that offence, he will adopt that parliamentary and gentleman-like mode of conduct; and that he may have an opportunity of doing so, I again repeat, "that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House."

Sir, I am warranted in the use of these words, by events and authorities that leave little to be doubted, and little to be questioned. The treatment this business has received within these walls, the extraordinary proceedings which have sprung from it, the dispositions which have been manifested in particular classes of men, all concur to justify the terms I have adopted, and to establish the truth of what I have asserted.

If the declaration I have made, had happened not to have been supported by the occurrences I allude to, the very consideration of Mr. Grenville's Bill is of itself sufficient to vindicate what I have said. That Bill, Sir, originated in a belief that this House, in the aggregate, was an unfit tribunal to decide upon contested elections. It viewed this House, as every popular assembly should be

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viewed, as a mass of men capable of political dislike and personal aversion; capable of too much attachment and too much animosity; capable of being biassed by weak and by wicked motives; liable to be governed by ministerial influence, by caprice, and by corruption. Mr. Grenville's Bill viewed this House as endowed with these capacities, and judging it therefore incapable of determining upon controverted elections with impartiality, with justice, and with equity, it deprived it of the means of mischief, and formed a judicature as complete and ample, perhaps, as human skill can constitute. That I am debarred the benefits of that celebrated Bill, is clear beyond all doubt; and thrown entirely upon the mercy, or, if you please, upon the wisdom of this House. Unless, then, men are to suppose that human nature is totally altered within a few months—unless we can be so grossly credulous as to imagine that the present is purged of all the frailties of former parliaments—unless I am to surrender my understanding, and blind myself to the extraordinary conduct of this House, in this extraordinary business, I may say, and say with truth, "that I expect no indulgence, nor do I know that I shall meet with bare justice in this House."

There are in this House, Sir, many persons to whom I might, upon every principle of equity, fairness, and reason, object, as judges, to decide upon my cause; not merely from their acknowledged enmity to me, to my friends, and to my politics, but from their particular conduct upon this particular occasion. To a noble lord (Mulgrave) who spoke early in this debate, I might rightly object as a judge to try me; who, from the fulness of his prejudice to me, and predilection for my opponents, asserts things in direct defiance of the evidence which has been given at your bar. The noble lord repeats again, that 'tricks' were used at my side in the election, although he very properly omits the epithet which preceded that term when he used it in a former debate; but does it appear in evidence that any tricks were practised on my part? Not a word. Against him, therefore, who, in the teeth of the depositions on your table, is prompted, by his enmity towards me, to maintain what the evidence (the ground this House is supposed to go upon) absolutely denies, I might object with infinite propriety as a judge in this cause.

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There is another judge, Sir, to whom I might object with greater reason, if possible, than to the last. A person evidently interested in increasing the numbers of my adversaries upon the poll, but who has relinquished his right as an elector of Westminster, that his voting may not disqualify him from being a judge upon the committee to decide this contest: a person too, Sir, who, in the late election, scrupled not to act as an agent, an avowed, and, indeed, an active agent to my opponents. [Lord Mahon took this to himself; but Mr. Fox went on thus:] Is there any interruption, Sir? I hope not. I am but stating a known fact; that a person who is to pronounce a judgment this night in this cause, avoided to exercise one of the most valuable franchises of a British citizen, only that he might be a nominee for my adversaries; concluding that his industry upon the committee would be of more advantage to their cause than a solitary vote at the election. This, Sir, I conceive would be a sufficient objection to him as a judge to try me.

A third person there is, whom I might in reason challenge upon this occasion. A person of a sober demeanor, who, with great diligence and exertion in a very respectable and learned profession, has raised himself to considerable eminence; (the Master of the Rolls) a person who fills one of the first seats of justice in this kingdom, and who has long discharged the functions of a judge in an inferior, but very honourable situation. This person, Sir, has, upon this day, professed and paraded much upon the impartiality with which he should discharge his conscience in his judicial capacity as a member of parliament in my cause. Yet this very person, insensible to the rank he maintains, or should maintain, in this country, abandoning the gravity of his character as a member of the senate, and losing sight of the sanctity of his station both in this House and out of it, even in the very act of delivering a judicial sentence, descends to minute and mean allusions to former politics—comes here stored with the intrigues of past times, and instead of the venerable language of a good judge and a great lawyer, attempts to entertain the House by quoting, or by misquoting, words supposed to have been spoken by me in the heat of former debates, and in the violence of contending parties, when my noble friend and I opposed each other. This demure gentle-

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man, Sir, this great lawyer, this judge of law and equity, and constitution, enlightens this subject, instructs and delights his hearers, by reviving this necessary intelligence, that when I had the honour of first sitting in this House for Midhurst, I was not full twenty-one years of age; and all this he does for the honourable purpose of sanctifying the high bailiff of Westminster in defrauding the electors of their representation in this House, and robbing me of the honour of asserting and confirming their right by sitting as their representative. Against him, therefore, Sir, and against men like him, I might justly object as a judge, or as judges, to try my cause; and it is with perfect truth I once more repeat, "that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House."

Sir, I understand that the learned gentleman I have just alluded to (I was not in the House during the first part of his speech) has insinuated that I have no right to be present during this discussion, and that hearing me is an indulgence. Against the principle of that assertion, Sir, and against every syllable of it, I beg leave, in the most express terms, directly to protest. I maintain that I not only have a right to speak, but a positive and clear right to vote upon this occasion; and I assure the House, that nothing but the declaration I have made in the first stage of this business should prevent me from doing so. As to myself, if I were the only person to be aggrieved by this proceeding, if the mischief of it extended not beyond me, I should rest thoroughly and completely satisfied with the great and brilliant display of knowledge and abilities which have been exhibited by the learned gentleman, who appeared for me and for my constituents at your bar. If I alone were interested in the decision of this matter, their exertions, combined with the acute and ingenious treatment this question has received from many gentlemen on this side of the House, whose arguments are as learned as they are evidently unanswerable, would have contented me. But a sense of duty, superior to all personal advantage, calls on me to exert myself at this time. Whatever can best encourage and animate to diligence and to energy, whatever is most powerful and influencing upon a mind not callous to every sentiment of gratitude and honour, demand at this moment the exercise of every function and faculty that I am master of. This, Sir, is not my cause alone; it is the cause of the English constitution, the cause of the electors of this kingdom; and it is in particular the especial cause of the most independent, the most spirited, the most kind and generous body of men that ever concurred upon a subject of public policy: it is the cause of the electors of Westminster; the cause of those who, upon many trials, have supported me against hosts of enemies; of those who, upon a recent occasion, when every art of malice, of calumny, and corruption—every engine of an illiberal and shameless system of government—when the most gross and monstrous fallacy that ever duped and deceived a credulous country, have been propagated and worked with all imaginable subtilty and diligence, for the purpose of rendering me unpopular throughout the empire—have with a steadiness, with a sagacity, with a judgment, becoming men of sense and spirit, defeated all the miserable malice of my enemies, vindicated themselves from the charge of caprice, changeableness, and fluctuation, and, with a generosity that binds me to them in every tie of affection, supported me through the late contest, and accomplished a victory against all the arts and powers of the basest system of oppression that ever destined the overthrow of any individual.

If, by speaking in this House, (where many perhaps may think I speak too much) I have acquired any reputation; if I have any talents, and that attention to public business has matured or improved those talents into any capability of solid service, the present subject and the present moment, beyond any other period of my life, challenge and call them into action; when added to the importance of this question upon the English constitution, combined with the immediate interest I feel personally in the fate of it, I am impelled by the nobler and more forcible incitement of being engaged in the cause of those to whom the devotion of all I have of diligence or ability would be but a slight recompense for their zeal, constancy, firm attachment, and unshaken friendship to me upon all occasions, and under all circumstances.

There are two leading points of view in which this question should be considered: the first is, Whether the high bailiff of Westminster has had sufficient evidence to warrant his granting a scrutiny, sup-

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posing that he possessed a legal discretion to grant it: the second, Whether any returning officer can by law grant a scrutiny, even upon the completest evidence of its necessity; which scrutiny cannot commence till after the day on which the writ is returnable.

It is of little consequence in which order the question is taken up; but first I shall proceed upon evidence.

The great defence of the high bailiff is built upon the circumstance of sir Cecil Wray and his agents having furnished him with regular lists of bad votes on my part; and to prove that these lists were delivered, they have brought a witness who knows not a syllable of the truth of the contents of the lists. The witness who drew the affidavits, which affirm those bad votes to have polled for me, upon cross examination, appears equally ignorant of the truth of the affidavits, and therefore the burthen of the proof rested upon the evidence of Affleck, whose testimony nevertheless, after four hours examination, is expunged from your books as inadmissible. Expunged however though it is, I wish the House to recollect the answers he gave concerning the descriptions of the bad voters which are imputed to me, and to the stated number of them. The number is said to be 143; and the House will recollect, that although I repeatedly pressed the witness to name some of them, he could not even name one. I questioned Affleck particularly, whether the 143 were persons who did not exist where they pretended to reside: his answer was, that some did reside in the streets as mentioned in the poll-books, and that others could not be found at all. Those who could not be found at all, if any such there were, might fairly be deemed bad votes; but the other class of voters involved a question of law; and I submit to the House, whether, if the evidence of this man, instead of being rejected as incompetent, had actually been admitted, the whole tenor of it, instead of exculpating, would not, in the strongest sense, tend to criminate the high bailiff. Had he known his duty, or was disposed to discharge it, this he would have said to such a reporter:—"You may be, and most likely are, interested in deceiving me; after much argument and discussion, I, as the sole judge in this court, have admitted these to be legal votes, which you (of whom I know nothing) affirm to be only lodgers or non-residents; my situation is too solemn to be affected by such information, and therefore I dismiss it as unfit for me to proceed upon."

This should have been the high bailiff's conduct; but his conduct is the exact reverse of it. He receives this species of information, and from these sorts of men; and not only this, but accepts affidavits imputing bribery to some persons who canvassed for me, acknowledging at the same moment that he had no cognizance of bribery, and never once inquires into the truth of the charge, nor whether any credit is due to the deposer, nor even who the deposer is. All this the high bailiff does in concert with my adversaries, secretly, collusively, without even once giving me, or any one of my agents, the very slightest idea that any such intercourse had subsisted between him (the judge of this court) and one of the parties, litigating that upon which he was to exercise his judicial function.

To have received such information with the least attention, was in itself criminal enough; but studiously, cautiously, and deliberately to have concealed it from me, was base and wicked in the extreme. Had I been apprised of these machinations, I might have established the falsehood of every accusation; and surely, if justice had been the object of the high bailiff, he would not rest one moment until he communicated to me the burthen of these informations and affidavits, especially if he meant to overturn the whole tide of precedents, and to innovate upon the practice of all the returning officers that ever lived in this kingdom, in granting a scrutiny to commence after the return of the writ. If truth was his aim, the obvious mode of ascertaining it was to have given the other party an opportunity of knowing the charges brought against them, to let them have the chance of contradicting their accusers; and if we failed in falsifying these informations, the high bailiff would have had this presumption in his favour, that it was only because we could not. But, sir, not this, nor any thing like it, did the high bailiff of Westminster. So far from acting like an impartial judge, he appears to have been the agent, or rather the mere tool of my opponents: and every syllable of these informations upon which he acted, might have been, for ought he knew, the vilest mass of falsehood and perjury that ever thwarted the course of justice. I say then, Sir, if the high bailiff absolutely possessed a legal

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discretion in granting a scrutiny, to have granted it upon this sort of evidence, and under these circumstances, was, to say no worse of it, an act that cannot be justified upon any obvious principle of law, reason, common sense, or common equity.

But what will the candid part of the House think of this high bailiff, when they consider that the grounds of his vindication at your bar differ as much as light and darkness from his vindication in the vestry in Covent-garden, upon granting the scrutiny? And here, Sir, I have to lament that the paper which he read to this House as his defence, which the gentlemen opposite to me (the ministry), for reasons as honourable perhaps to themselves as to the high bailiff, so strenuously opposed being laid on the table, is now impossible to be produced: that paper, Sir, would have enabled me, from his own words, to have proved to you that the principle he avowed at your bar, as the rule that governed him in this business, is exactly and directly the very reverse of the principle he pretended to act upon at the time of granting the scrutiny. Fortunately, however, this fact is established in clear, unquestioned evidence before you. Mr. O'Bryen's testimony is complete and decisive as to that point: his words were, "That the high bailiff, in the vestry, upon granting the scrutiny, disclaimed the information delivered to him by sir Cecil Wray and his agents; that he replied with peevishness and some displeasure to sir Cecil for having mentioned them; that he declared he believed he had never read them—certainly never with any attention; that he threw them aside unnoticed; that they had not the least operation upon his judgment; and that they did not, in the very slightest sense, influence his determination in granting the scrutiny." These were his words. Atkinson, upon cross-examination, was obliged to acknowledge this; and Grojan's want of memory upon it goes, of itself, a great way to establish the truth, if it required farther corroboration.

Now let the House and the world judge of this high bailiff, who, upon granting the scrutiny, affects to be insulted at the supposition of his acting upon this *ex parte* information, and yet rests all his defence at the bar of this House, upon that very *ex parte* information which, but a fortnight before, he disclaimed and despised.

Without adverting to his shameful and scandalous conduct (which, if he had one spark of feeling, would make him blush to shew his face, much less to avow the act) in holding this fraudulent intercourse with my enemies; cautiously concealing that any such intercourse subsisted between them; treacherously betraying the cause of justice, which his situation bound him to support inviolate; and basely lending himself to one party, for the ruin of another; can any thing better shew his iniquity, than varying the grounds of his defence, according to the variation of scene and the pressure of exigency? This continual shifting demonstrates that he has no honest defence to make;—put the most favourable construction possible upon his conduct, and the best of the alternatives marks him a hypocrite at the least. If he has spoken truth in the vestry, he is an arrant liar before this House; or, if he vindicates himself before you upon pure principles, he has grossly and wickedly deceived me and all who heard the contempt he expressed in the vestry for that information, upon which he has expatiated at the bar of this House with such extraordinary reverence.

So much for the consistency of the high bailiff respecting his alleged motives in granting a scrutiny.

It is said on the other side of the House, that the poll was not a scrutiny, and said in express contradiction to the evidence produced at your bar. Never was a poll a scrutiny, unless the poll in question was such. It is established by respectable testimony at your bar, that the poll was an absolute scrutiny. It is proved that the parish books were constantly at the hustings, and each voter's name, profession, and description, collated with the books. It is proved, that when the names of voters could not always be found in the parish books (which was often the case, and yet the votes perfectly legal), a gentleman in the interest of each side frequently went to the very street in which the voter said he lived; that the vote was suspended until that inquiry was made, and that the decision was always governed by the report of the inquirer in such case. Was this, or was it not, a scrutiny?—But it is said, that the poll was crammed at one time, and hence an inference is drawn, that the poll was not a scrutiny. This is strange reasoning, surely; to support this inference, it should be proved that votes were excepted to, and yet admitted in the hurry without examination or inquiry. Does this appear to be the case? Nothing like it.—With all Mr. Grojan's disposition to

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shelter the high bailiff, with all his power of memory at one time and his want of it another, does he assert any such thing? No, Sir, he could not with truth; and even he could not venture upon this without truth. Did you ever hear, or did such a thing ever happen, as that a returning officer, of his own accord, should reject any votes not excepted to by the contending parties? Certainly not.—Those votes therefore, in whose legality the candidates themselves agreed, must be justly presumed by the high bailiff to be unexceptionable; and from hence to suppose that the poll was no scrutiny, is weak in the extreme. In the early part of the election it was the natural wish of each candidate to get upon the head of the poll. Each brought up as many friends as possible, and this accounts for what they call cramming the poll. Respecting the high bailiff's difficulty in forming an opinion as to which of the two had the greater number of legal votes, had I been lowest upon the poll at the close of the election, there might have been some little colour for his affectation of scrutiny. Why? Because upon the days when the poll was most crammed, when the greatest numbers polled, and when there was least inquiry and least examination into their legality, sir Cecil Wray had a very great majority over me. I began to gain upon my adversary, not when thousands polled of a day, but when only a few hundreds, and less than a hundred polled on each day—at a time when there was sufficient leisure to scrutinise the votes, and when the most acute, the most jealous and sharp inquiry took place, as to the qualification of each voter, that was, perhaps, ever practised in any court of hustings.

With a view to exculpate this high bailiff, his deputy, Mr. Grojan, related an incident which I shall notice, and the exultation of the opposite side of the House, at the time of that relation, renders that notice the more necessary. It was this: he asked a man which way the street lay in which he lived, and the man said it was that way, pointing his hand towards Drury-lane. "I immediately suspected him, and afterwards rejected him," says Mr. Grojan. Now, Sir, this story happens to be strictly true, and true to the confusion of those who relate it for the vindication of the high bailiff. Were my election to depend upon the merits of a single vote, I do not know that I should prefer any other inhabitant of this great city before that very man then rejected by Mr. Grojan; for in all Westminster there is not a better qualified, a more undoubted legal voter, than that identical person. And what is the fact, Sir? That this honest, ignorant man came to poll with liquor in his head, and (embarrassed by the scene, by the shouting, and by the manner perhaps of the question) made that absurd reply. These events, Sir, were not unfrequent at that hustings; and when one considers the facility of puzzling such men in all places, when one considers that Mr. Grojan is not, of all men living, the most embarrassed in the exercise of his duty, nor exactly the most anxious for the comments of by-standers upon his conduct, there is little wonder that honest, uninformed men, surrounded by thousands, with half-a-dozen inspectors plaguing them with different questions at the same moment, in the midst of noise and huzzaing, in that state of hilarity, perhaps, which is too frequent at general elections, should sometimes give a foolish, unconnected answer to such interrogatories as generally come from Mr. Grojan.

I understand that a learned gentleman has said, that he would have closed the poll long before the high bailiff proclaimed his intention of doing so. I do not mean to argue the legality of that position with the learned gentleman; that the fact was exactly otherwise, is all that is necessary for me to maintain. It is in evidence before you, that he did not close it until the 17th of May, and then closed it not from deficiency of voters, but for the express purpose of enabling himself to make his return by the 18th, the day on which the writ was returnable. The first, and the only notice I had of his intention to close the poll, was on the Thursday preceding; and I do confess, and have always declared, that my object was to continue the poll during the three intermediate days, that the high bailiff may be obliged to assign this as his reason, since the act of closing the poll was his own act. In this I hold myself perfectly justifiable:—during these three days I confess it was my wish to protract the poll; but I solemnly deny that it was ever prolonged by me a single hour more; and also deny, that up to the 13th of May I had any proposal or any offer that I could notice for closing it.

Attempts have been made to prove, and that is the last head of evidence I shall touch upon, that insinuations came from

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us at a certain period of the poll, of demanding a scrutiny. That some of my friends might have expressed that intention, is very probable; but give me leave to say, Sir, that if I had myself formally demanded it, there is no rule of law that warrants a conclusion against me on account of my own conduct as a party. A thousand motives there may be to justify me in demanding of the high bailiff that which it would be perfectly right in him to refuse. If in any case of litigation a judge should grant to one of the parties whatever he wished, how could he ever come to a just decision? or who would ever be defeated, whatever may be the badness of his cause?

But, Sir, has it been offered to you in proof, or is there a man that can say I ever did for one moment entertain the idea, much less express it, that a scrutiny could go on after the day on which the writ was returnable. Sir, I do assure you, so absurd, so preposterous, so pernicious a thought, never once possessed me. I had occasion very maturely to consider this subject at the first Westminster election. Lord Lincoln demanded a scrutiny, which the high bailiff granted, and which the noble lord afterwards relinquished. I remember to have investigated the matter then. I consulted the greatest dead and living authorities, the best books, and the most learned men in my circle; and the result was, that the granting a scrutiny before the return of the writ was legal; but no book, no lawyer, no man, before this time, ever, to my knowledge, maintained that a scrutiny could be continued, much less begun, after the day on which the writ was returnable.

Then, say my enemies, why did you expect the high bailiff to grant you a scrutiny, which you must know could not be finished before the 18th of May? And at that I see the gentlemen on the opposite bench (the ministry) exult a little. But, Sir, it is a weak and childish exultation. Do they think, or, if they deceive themselves, can they believe the public will think, that I could have been so gross an ideot as to suppose a scrutiny of this election could be over before the 18th, with the instance of Vandeput and Trentham staring me in the face, where an unfinished scrutiny lasted above five months? Can they imagine I could hope a scrutiny in this case, where upwards of three thousand voters polled more than at the contested election of Vandeput and Trentham, could by any possible means be over before the 18th? Surely not. A tolerable knowledge of Mr. Thomas Corbett, the high bailiff of Westminster, gave me no extravagant hopes of success in any scrutiny where he was to be the sole judge; and therefore all I ever meant was, that an inquiry might take place previous to the 18th: which inquiry might enable us to form the train and order of the necessary evidence, that we might the better know how to discover the different species of bad votes, and class, under their various heads, those which were doubtful, those which were suspected, and those which were positively illegal; and so far to methodise, arrange, and simplify the business, before the return, that we might go on in the committee, under Grenville's Bill, with the greater facility and expedition, and with less expense: and this would have been a material point of preparation for us.

This, Sir, was all I ever meant by a scrutiny before Mr. Corbett, and all that any man of common fairness and liberality can suppose I meant.

A noble lord over-against me, (lord Mulgrave) in his zeal to exculpate the high bailiff, charges me with having intimidated him, and charges it upon the evidence of Mr. Grojan. That noble lord, disdaining all regard to consistency, whenever he thinks he can impute a fault to us, at the same moment that he asserts the high bailiff was intimidated, pronounces a flashy panegyric upon the firmness and intrepidity of the very man he affirms to be thus terrified. But, Sir, the high bailiff was threatened—and how? Was it by threats of assaulting him? No.—Was it by holding up the fear of danger to him, by mobs or riots? No.—Was it by menace of taking away his books, breaking the peace of the hustings, and interrupting him in the discharge of his duty? No, no; but it was by warning him of the consequences of unjust partialities, false or corrupt decisions. It was by threatening him with legal punishment, if he did not make the law of the land the rule of his conduct. Grojan tells you, that he believes these threats sometimes induced the high bailiff to make decisions in my favour, contrary to his judgment. Yet this is the man whose firmness and intrepidity the noble lord commends so much, and whom the government of this country is straining every nerve to bear harmless through this unprecedented business. An officer, whose

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deputy, as a palliation of greater guilt, defends him, by saying that he committed a palpable breach of his duty, and only because he is threatened with legal punishment if he acts against law! Sir, for my own part, I believe there is as much sincerity in the noble lord's panegyric as there is veracity in the deputy bailiff's inference from these threats: all I wish, however, is, that you would properly notice this species of intimidation. It is an intimidation, Sir, the influence of which I hope will reach every man, every magistrate in this country, however splendid his station, however lifted up above his fellow-creatures in office or dignity. To keep before his eyes the danger of a vicious or a wanton breach of the law of the land. Would to God this House were in a capacity to become an object of those consequences which the verdict of a jury would determine to follow a violation of the laws! With what content, with what confidence, should I submit my cause to such a tribunal!

Having now, Mr. Speaker, gone through the various depositions that have been made before you—having from the evidence shewn, that the alleged grounds of the high bailiff's first granting this scrutiny were the direct reverse of those he declares to this House to have been his motives—having shewn that he was in habits of clandestine intercourse with my opponents—having shewn that he was in the constant course of receiving *ex parte* information in an illicit and shameful secrecy—having shewn that he positively and solemnly denied this series of iniquitous proceeding in the vestry, which he boldly avows at your bar—having shewn that the poll was as much a scrutiny as any poll can possibly be—having explained my views in the event of my demanding a scrutiny—having described the species of intimidation used to this man, and confirmed, that so far from exculpating, it tends deeply to criminate him—having shewn this, Sir, and shewn it by the evidence which you have heard at your bar, I shall conclude this part of my subject, with submitting to every man of honour and candour who hears me, whether he really thinks that the high bailiff of Westminster exercised a sound and honest discretion in granting a scrutiny, supposing, for argument sake, that he actually possessed a legal power to grant it.

The remainder of what I have to say, shall be directed to prove that he had no such power, and to lay before you the fatal effects of such a precedent as the loss of this question will afford.

I am not a professional man, and cannot be supposed to speak with the information of professional gentlemen upon a legal subject; there are, however, general and fixed principles of common sense, which serve to guide an unlearned man upon a subject of this kind. Four different ways occur to me, by which, in a case of doubt, the law may be discovered and ascertained; first of all I should look into the statute book upon the table; if upon searching there I find an act of parliament upon the point in dispute, doubt and conjecture cease at once, and all is clear and certain. But if there should be found no act to regulate the case in question, I should then in the second place have recourse to practice and precedent, and inquire what has been done in similar cases on similar occasions; in other words, I should try what is the common law. If I find practice and precedent direct me, then every thing is plain and easy; but if no statute and no precedent should be found by which I could steer in this ambiguity, my next obvious resort would be to legal analogies, to cases, which, though not precisely the same in all points, are yet perfectly similar in principle. If in this department of research I find any thing to direct me, there, too, all will be smooth, intelligible, and certain; but if I find no positive statute, nor precedent, nor practice at common law, and no legal analogy whereby I might discover the fact, there is then much difficulty indeed, but not an insurmountable one. Still I should make an effort, and my last and fourth resort should be to the experience and understanding of mankind—to those arguments which common sense suggests—to fair conclusions deducible from fair reasoning, founded upon the immutable principles of policy and expediency.

Now, Sir, if some of these various modes of defining the law should happen to favour me upon the present subject, and that others should unfortunately militate against me, still I may be right in my position; but not with that fullness of conviction, that clearness of certainty that I might wish. The case, however, is so entirely otherwise, that I do venture to affirm, and engage to prove to the satisfaction of every man capable of being satisfied, that not only nothing in any of these different ways of attaining the fact does

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operate in the slightest degree against me, but that all and each concur in supporting me, and demonstrating the illegality and violence of my enemies in the present business. I do therefore assert, that the high bailiff of Westminster, in granting this scrutiny, has violated the law of the land, by the combined force and testimony of these four tests: by the statutes—by the common law—by the analogies of law—by policy and expediency.—First as to the statutes:

The Act of the 10th and 11th of William 3, was made for the avowed purpose of checking the bad conduct of returning officers. The preamble of the Bill, and every clause in it, proves this to have been the object of enacting it. As the part of it which relates to returns is merely directory, it is gross and absurd to construe it in any other manner than that which makes it answer the evident purpose for which it is enacted. It requires that the writs for any future parliament shall be returned on or before the day that parliament is called to meet—that the return shall be made to the clerk of the crown, which clerk of the crown is authorized to receive four shillings for every knight, and two shillings for every burgess. It imposes a penalty upon the sheriff, if he does not make his return on or before this day.

Now observe the construction given by the opposite side of the House to this plain intelligible statute. It is true, say they, this Act is binding upon a sheriff, but not at all upon a mayor or bailiff. Why? because a mayor or bailiff are not mentioned. True, they are not mentioned, and probably the action I spoke of some time ago might not lie against the high bailiff; not that he has not openly transgressed the spirit of the law, but because the penal part of every statute is to be construed according to the strict letter of the Act; but I submit to the House, whether they ever heard so low, so vile, so dirty a quibble—whether they ever heard so base a perversion of common sense, as to suppose the legislature of this country to have been such a set of ideots, such a herd of miserable beings, as that in an Act made for the avowed and declared purpose of correcting and punishing the misconduct of returning officers, they should have provided against the partialities, corruption, and roguery of sheriffs, and have left the nation at the mere mercy of mayors and bailiffs, without restraint, redress, or punishment. This is the construction put upon this Act by his Majesty's ministers, the patrons of this high bailiff, although they see those express words in the body of the Act: "That the clerk of the crown shall receive at the time of these returns (which returns must be made on or before the day of the meeting of such new parliament) four shilings for every knight, and two shillings for every burgess." Why mention the burgess, if that Act is not meant to compel the return of the writ under which he is chosen? Was there ever such an outrage upon common sense as to maintain, although they see the fee stated for the burgess to pay, though they see the return required proceeding from the sheriff's precept to the mayor or bailiff, that the mayor or bailiff is not obliged to make a return within the time prescribed by the same Act, that is, on or before the day that the new parliament shall be called to meet?

But there is another point which defines the meaning of the legislature to a certainty, and it is the exception in favour of new writs upon vacancies. In that case, there is an obligation that the return be made within fourteen days after the election upon that vacancy. Is it consistent with reason, or rather is it not making downright nonsense of this Act, to suppose that it should compel a return within a certain time in cases of vacancy; but that upon a general election, all should lay at the mere will and pleasure of the returning officers? Will the gentlemen urge the same contemptible reasoning here, and assert that the compulsion in this case only respects the returns of knights of the shire? What! that an Act should be made to prevent the collusion and knavery of returning officers, yet that it extends only to the preclusion of frauds in returning about one hundred, because they are knights of the shire, and leaves the remaining four hundred at the discretion of every mayor or bailiff? Sheriffs are in general of a much superior rank and character to the other returning officers, yet the wittal caution the honourable interpreters of this Act impute to the English legislature is, that they guarded against abuses from that class of returning officers whose fortune and sphere of life presumed most for their integrity, and made no provision whatever for the possible misconduct of that very description of returning officers whose situation gave the least pledge or security for honest and

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uncorrupt conduct. If I am not mistaken, this species of reasoning carries with it its own refutation.

A noble lord over-against me (lord Mulgrave), has advanced a singular kind of argument indeed, touching the intention of this Act of king William. He has read to you from the Journals an instruction to the Committee appointed to bring it in, which instruction suggests to them the introduction of a clause to secure the returns for cities and boroughs within the specified time; and in a style of inference peculiar to himself, he concludes, that as the express words do not appear in the statute, the legislature never meant to include the returning officers of cities and boroughs.

Now I will take upon me to say, that every other man in this country (that noble lord and those who concur with him in opposition to my hon. friend's motion excepted), capable of understanding the sense of an act of parliament, will draw the direct reverse of his conclusion from the non-insertion of that clause. The sole view of this statute was to correct the abuses of returning officers. The instruction from the House to the committee proves, that the disease extended to mayors and bailiffs. The omission of that clause therefore clearly demonstrates, that the framers of the Act thought the suggestion fully comprehended in the Act as it stands, and that it would be mere tautology and needless repetition to be more explicit. What a miserable legislature must that be, which in the act of applying a remedy to an acknowledged evil, creates ten times a greater than that which it endeavours to cure! Those who made this law, were, in my opinion, good politicians, but they were evidently not good prophets; for they did not foresee that an hour would come, when men should rise up, and put such a construction upon their labours, as marked them the most despicable set of drivellers that ever insulted society under the appellation of law-makers. In a word, Sir, I contend that the statute of king William is decisively and completely with us.

The 23d Hen. 6 is likewise with us, and does afford me a legal remedy against the high bailiff, of which I shall most certainly avail myself. That Act authorizes the sheriff to issue his precepts to the returning officers of cities and boroughs; it requires that they shall make a return to the sheriff, and gives the person chosen, and not returned, an action, which must be brought within three months after the meeting of parliament. From this it is evident that the return of the writ, and of the precept proceeding from the writ, must be at one and the same time, viz. by the meeting of the parliament. For otherwise, observe what rank nonsense this statute would be. This misconduct of returning officers made it necessary to give a power of legal punishment to the party chosen and not returned. That power is here given; but if we can suppose that the Act does not compel the return to be positively made by the meeting of parliament, the penalty is all a farce; for who will make a return that will subject him to a civil action, if it be in his power to avoid it? Whether the return be true or false, therefore, it is as clear as day-light that some return must be made by the meeting of parliament. For it is insulting common sense, to say that the man who incurs a legal penalty shall have a legal power of evading it. That is to say, that a returning officer may, of his own authority, prolong his return until the three months pass away, within which time alone the action can commence for the punishment of this gross abuse.

I have therefore, Sir, no difficulty in saying, and I am confident every fair man agrees in the truth of it, that these two Acts, in their letter as well as their spirit, demonstrate that the high bailiff of Westminster, in granting this scrutiny, has positively broken the statute of the land.

The second point to which I shall advert in the arrangement of this argument is, the point of practice, or what the common law is upon this occasion; and the best way to shew that the high bailiff of Westminster's return is against both the one and the other, is to observe this fact—that in all the records of parliament, in all the annals of election, and in the history of this country, a single precedent cannot be found to justify this extraordinary return. The main and evident drift of it was to deprive me of the benefit of Mr. Grenville's Bill; and to accomplish this end, do but observe how many obvious modes of return he passed by. Had the bailiff done his duty, and returned lord Hood and me, sir Cecil Wray would not have been injured, for he would instantly petition, and the merits of the election would be tried by a committee upon their oaths. Had the bailiff, doubting, as he pretends, the legality of my majority, returned, as he

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undoubtedly might have done, lord Hood and sir Cecil Wray, then I should have petitioned, and one of Mr Grenville's committees would have redressed me. Had he returned lord Hood alone, still it was cognizable by Grenville's Bill. A petition against an undue return would have been presented, and this House infallibly prevented all interference in the matter, except in appointing the Committee. Or if he had returned the three candidates, the double return entitled it to a priority of hearing (upon that great and fundamental maxim, that the first object was to have the House complete), and a committee under Grenville's Bill would instantly have tried the merits of the return, and rescued the case from the prejudices and party influence of the House of Commons. At all events, my sitting here for Kirkwall rendered an immediate discussion and decision upon the business indispensable, as petitions complaining of pluralities of election are always heard in order, next to double returns: thus you see with what dexterity this has been managed.

This curious return had two views; first, to exclude me from sitting for Westminster; secondly, to deprive me of the advantage of Mr. Grenville's Bill. And, Sir, does any man think this return was the fabrication of Mr. Thomas Corbett? The party spirit and personal rancour, so visible in his defence before this House, confirm that he has all the disposition, if not all the ability in the world to do me every mischief; yet I cannot be persuaded, when I consider who they are that take the lead in his vindication before this House, and when I observe how very familiar they appear to be with this historical return (as my noble friend has well called it), that so peculiar, so ingenious, and so original a fragment as this could ever have been his sole production. In a word, Sir, this cursed historical return, this return unmatched and unprecedented in the history of parliament, is the only species of return that could have robbed me and the independent electors of Westminster of a fair hearing before that admirable judicature instituted by Mr. Grenville's Bill.

A learned gentleman who appears at your bar for the high bailiff, admits that no instance of this kind ever happened before; and to induce the House to support his client, he says, it will never happen again. How he comes to know that a line of conduct so convenient to a minister, so well suited to those who have the power to oppress, and a disposition to exert every power against those they dislike, the learned gentleman himself best knows; but surely, after such an admission, to pray the sanction of this House for an act allowedly unprecedented, is somewhat singular. The learned gentleman's prophecy is surprising, it is true; but the argument drawn from that prophecy is still more surprising. Grant the scrutiny, says he, in this case; but you certainly never will do the like again. Perpetrate the most gross and glaring injustice deliberately, for you will never commit a similar outrage hereafter. A good understanding, however, seems to prevail between those within and those outside of the bar; and the intimation of a learned gentleman over-against me, of an intention to bring in a Bill to regulate this matter in future, does in a great measure account for the prediction of the high bailiff's counsel, that this iniquitous precedent will be no example for future imitation. Now, Sir, I take the first opportunity of declaring, that a bill declaring the law, after a decision directly contrary to law, shall be opposed by me with all the faculties and force I am master of. This is no new principle with me. I have ever set myself against the affectation of applying a remedy upon erroneous decisions subversive of law in supreme courts of judicature. In the case of the determination concerning general bonds of resignation of church-livings in the House of Lords last year, a Bill past there, and was sent afterwards to this House, the purport of which was, to declare the law in that case, after a determination which reversed the uniform current of decisions in Westminster-hall for a series of ages. [Case of Ffytche and the bishop of London.] Such a bill would have been most fatal in its example, because it would have taken away the only check, restraint, and control, upon courts of dernier appeal. It would take away the general public inconvenience arising from the false determinations of superior courts. I opposed that Bill, Sir, and opposed it with success, for this House rejected it. I shall oppose the Bill suggested by the learned gentleman upon the same principle, and every other bill of the same tendency. For sure there cannot be a more barefaced violence of decency and justice, a grosser mockery of the common sense of mankind, than to

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authorize a scrutiny, in direct opposition to the whole tide of precedents, and exactly subversive of positive law; because you intend to bring in a bill to prevent the reception, in future time, of so scandalous and shocking a proceeding.

An incident occurs to me, which will be proper to mention. Much discussion formerly took place upon this subject of regulating scrutinies, and especially at the time of the Oxfordshire election; (concerning which election I shall presently trouble the House with a few observations). Great pains and labour were employed then, with a view to frame an act of parliament upon the subject; and a great man, whose name I mention only in the purest respect and reverence for his character (lord Mansfield), took an active part, and gave the whole attention of his extensive and shining talents to the business. Yet, after the most deliberate and mature consideration of the subject, even he abandoned it, in a despair of being able to accomplish any system of management, from which many evils and various disadvantages, impossible to be remedied, might not flow. All attempts to regulate scrutinies by act of parliament were then consequently given up. The learned gentleman (Mr. Hardinge) will excuse me, if I cannot easily believe that he will effect that which lord Mansfield relinquished as impracticable: and even this consideration would be an additional motive with me in not hastily assenting to a bill of the complexion suggested by him to the House upon the present subject.

I have said, that this business had no precedent in the annals of parliament. The gentlemen on the other side (the ministry) do not attempt, because they dare not, to shew that this high bailiff is justified by any. The only cases they venture to touch upon are, the cases of Oxford and Westminster; and yet these two cases are fundamentally and altogether against them. Could they cite any instances more apposite, undoubtedly they would never have alluded to those which, under a hope of giving some colour to the matter in question, do absolutely, positively, and substantially make against them. If out of the mass of precedents I were to choose one to prove the grossness of this proceeding, I think it would be the very case of Oxfordshire. The candidates who, at that election, were lowest on the poll, demanded a scrutiny, and the sheriff granted it. Every one knows that the sheriff carried his partialities for the losing candidates, who demanded the scrutiny, to the greatest lengths: yet, partial as he was, and although his friends were diminishing their opponent's majority daily by the scrutiny, he gave them notice that his duty bound him to stop the scrutiny, for the purpose of making his return on the day the writ was returnable: he accordingly stopped it, and made his return. If this sheriff, interested as he was for those who were gaining by the scrutiny, conceived it possible for him to be sanctioned by any law or precedent in making a special return, and going on with the scrutiny, would he not have done so? Undoubtedly he would; and the kind of return he made, proves that he would, if he thought he might. Unwilling that those who were obnoxious to him should sit in the House, he returns all the four candidates; and this he does as the last and greatest act of friendship he could confer on his friends previous to the extinction of his authority, viz. the return of the writ. I do not say that in making this double return the sheriff did right; but, right or wrong, it proves this—that all the service he could render his friends he did. Does any one doubt that the two candidates, thus aided by the sheriff, and in the act of growing daily upon their adversaries by the scrutiny, would not prefer the partial, the kind and favouring tribunal of their determined friend the sheriff, to the House of Commons, had they supposed that any thing could justify him in continuing the scrutiny after the meeting of parliament?—But so frightful an idea was never cherished; and they held themselves bound for ever in gratitude to the sheriff for having included them in his return. An hon. gentleman, whom I see in his place, but who I believe neither sees nor hears me at this moment (Mr. Jenkinson), knows full well that all I am stating relative to the Oxfordshire election is strictly true. He cannot easily have forgotten the part he took in that memorable transaction. He engaged eagerly in the contest, and embarked in that interest, which I should certainly have embraced, had I been of an age to form an opinion and to act upon it. That hon. gentleman can attest the veracity of this recital; but it were vain flattery, I fear, to hope that he will rise up to-night and vindicate, by his voice and his vote, the principles of the cause he then supported, and which gained his friends the election.

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He must remember that a long discussion took place in this House, touching the right of a certain class of copyhold tenants, who voted for those who had the majority upon the poll; and that the disqualification of this description of voters seated those in the House who were lowest upon the poll and the scrutiny. And here I must observe what a strong and unanswerable confirmation of the point I am endeavouring to establish springs from a careful review of the Oxfordshire case. The cause of the unsuccessful candidates was pleaded at the bar by one of the greatest characters of that time, and one of the greatest ornaments of this, I mean lord Camden, 'quem gratia honoris nomino.' A question was agitated to ascertain a peculiar qualification, which bore the most inauspicious, and, as it afterwards proved, the most fatal aspect towards his clients. If any objection to determine the point upon that ground could possibly be supported, does any one doubt that his ingenuity and penetration would not have discovered it? Does any one doubt that he would have enforced that objection with all that perspicuity and fervor of eloquence, which so much characterize that noble lord? But the idea of a sheriff withholding a return on account of a scrutiny, never once occurred to him, nor to those who managed it within the bar: nor do I believe, until this time (to answer the laudable purpose of the present moment), did it ever enter into the head of any man as legal or practicable. So much for the Oxfordshire case, which, I maintain, goes with us in all its points and principles.

With respect to the Westminster case in 1749, a learned gentleman (Mr. Hardinge) who has spoken with much liveliness, but without one word of legal argument, tells you, the scrutiny then and the scrutiny now are cases exactly in point. In contradiction to that, I affirm, that not the least similitude subsists between them. In this case the writ is returnable upon the 18th day of May; in that, no precise time is mentioned for the return; and here consists the whole difference. Every one knows that the election of Trentham and Vandeput was upon a vacancy, in consequence of lord Trentham's accepting a seat at the board of Admiralty. Upon a general election, the king calls a parliament for the dispatch of great and urgent affairs, and he calls it to meet upon a particular day: now, Sir, observe, if there be no compulsion upon returning officers to make their returns by that express time, what is to become of the great and urgent affairs for the dispatch of which his majesty calls a parliament?

Can you reconcile for one moment, that the nation should be bound by laws and burthened with taxes in which they did not consent; that the king should have no parliament, and the people no representatives, to dispatch the weighty and urgent affairs they are called to consider by a particular day, only because it is the whim, or fancy, or wickedness, of a returning officer, at his leisure, to keep them employed in the long laborious business of a scrutiny? But, during the existence of parliament, when a writ issues upon a vacancy, no particular day is named for its return. A poll or a scrutiny (which means only a continuation of the poll in another form) may be carried on, because it does not in the least infringe upon the exigency of the writ; because no particular time is mentioned for the return, and because his majesty does not call upon that individual representative to come upon a precise day, for dispatch of great and urgent affairs that affect his people, as upon a general election. This, therefore, constitutes the distinction, and it is a wide and a material distinction.—The grievance, from the absence of one representative, is slight, and the law in that case admits a scrutiny; but in the other case, to withhold the return beyond the time appointed, is infringing the exigency and violating the terms on which it was issued; which are, that the parliament must meet upon that express day, for that express purpose.

Why there should be this distinction, why the compulsion of a return, by a specified period, should not exist as well in cases of vacancy as of general election, is not now the point in dispute. If it be, as I think it is, a defect, it only serves to prove, that in the best works of human wisdom there are flaws and imperfections. Our aim is to find out what is the law, not why it is the law; and from the whole it is clear, that the high bailiff of Westminster, in over-stepping this distinction and granting a scrutiny to commence after the day of the general return, has broken every statute that appears upon this subject in your books, and gone in the face of every precedent that can be found in your Journals.—[Mr. Fox said a few words upon the Carnarvon case, and upon something that fell from the Master of the Rolls upon it.

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The third ground, resumes Mr. Fox, upon which I shall take up this subject, is upon that of the analogies of law; and upon this I shall detain the House only with a few words not only because my ignorance of that profession disqualifies me from treating the point fully, but because all that can be said has been urged with the greatest force and effect possible by the learned gentlemen who appeared at your bar in my behalf; the proof of which is, that not a position they have advanced upon the legal analogies has been controverted by the learned gentlemen who pleaded for the high bailiff without the bar, or those venerable judges and crown lawyers who have attempted to defend him within the bar. Little, therefore, remains for me to say; but, little as I affect to have of information upon this part of the subject, I have enough to know, that wherever the gentlemen on the other side have attempted to assimilate this case with legal analogies, they have completely and entirely failed. They have endeavoured to establish that an officer may go on to execute the object for which the writ was issued from the courts in Westminster-hall, even after the day on which the writ is returnable. Yes, Sir, he may go on; but how? Upon the authority of the expired writ? No, by no means. He goes on by a new power given him by that court whence the writ originally issues, to complete that which the premature expiration of his first commission prevented his accomplishing. In a word, the court has the power of rendering effectual its own process, and therefore grants a writ of *venditioni exponas*, where the sheriff has not been able to sell the goods levied under the first writ; and many other writs of different titles, for the purpose of completing that process the court has begun. But has any man said, that without a fresh authority any sheriff, or any officer of any court of law, can proceed a single step under the old writ, one single hour after the day named for its return? I say no, Sir. There is not one man, however ignorant in other things, who does not know that all the authorities of all writs are defunct and extinct on the day named for their return. It is admitted, that the court can grant a new power to complete its own process. Now, Sir, to shew the gentlemen on the other side that they have not a shred of analogy to support them, I will suppose, for a moment, that the writ under which the high bailiff carried on this election, had been issued from this court—what writ, or what legal authority can you give him to finish that which, he says, is still depending? None, I say, Sir. A court of law can effectuate its own process, by giving its officer a new power on the demise of the old: but did you ever hear of one court granting an authority to accomplish the purpose of a writ issued from another? Never. Such a thing was never heard of. And how stands the fact here; that the court of Chancery issues the writ, and the House of Commons (another court) is to send forth a fresh writ, to finish that which has not been finished under the King's writ issuing from Chancery, the duration of which ceased on the 18th of May. See the infinite absurdity into which these poor attempts to make out analogies involve the supporters of the high bailiff. Will they say, though this House cannot issue a supplemental power, the usual officer for making out parliamentary writs can? Try it, Sir, and you will puzzle all the writ-framers belonging to the House: I will venture to say, that all the skill of the Crown-office, and all the skill of the court of Chancery combined, will be at a loss in what shape or mode to frame an instrument so exotic and hideous. I will not push this point farther, satisfied that no candid man can have a second opinion upon the subject; and shall conclude this part of my speech with affirming, that the statutes, the precedents, and analogies of law, assert and establish the truth of my honourable friend's motion; and that, by those three tests, I am clearly entitled to the judgment of this House against the conduct of the high bailiff of Westminster.

The fourth and last ground of consideration, is upon that of expediency, upon sound sense, and general policy; and here I shall have as little trouble as upon the three former grounds to establish every position, and to shew the House the iniquity of this proceeding. The conduct of this bailiff not only violates the spirit and letter of every law, but absolutely in so far subverts the main principles of the British constitution. When the King calls a new parliament, the fair presumption is, that the 'great and urgent affairs' for which he calls them together, demand their immediate deliberation. It is clear that our ancestors were extremely cautious that nothing should prevent or obstruct their meeting; and, lest returning officers

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should be instrumental to this obstruction, all the statutes, and all the precedents that bear upon this matter, confirm their jealousy, and prove their diligence to guard against abuses. The misconduct of returning officers, the facility of the evil, and the dangerous consequences resulting from it, were the evident and avowed cause of making those laws which I have mentioned, and which were avowedly intended to restrain them. Let but the conduct of the high bailiff of Westminster be sanctified this night by this House, and I challenge the ingenuity of mankind to shew a more effectual mode of putting the nation into the hands of returning officers.

What security can any man have that a parliament shall meet when the King calls it, if you establish this precedent? An hon. friend of mine, who has this day spoken for the first time (sir James Erskine) and who has exhibited a power of fancy and force of argument that give a high promise of his making a splendid figure in this House, has said, it was possible the House of Commons of England might, upon the assembling of a new parliament, be confined to the members from Scotland, where all scrutinies precede elections, and where the positiveness of the law prevents the commission of these knaveries. Now, although the brilliant fancy of my hon. friend might perhaps have stretched the possibility a little too far, is there a man who will engage, that this case once sanctified, the example will not be followed to the most calamitous excess? The exact number of 513 English members might not indeed be absent upon the meeting of a new parliament; but will any man say why 20, why 60, why 100, nay, why 200, might not, by the ignorance, by the caprice, by the folly, by the stupidity, or (what is more analogous to the case in question) by the baseness or treachery of a returning officer, remain unreturned? Here I must notice the low, the little, the miserable allusions which are so frequently made by those over-against me, to the place that did me the honour of sending me to parliament; but it is a poor and a pitiful kind of triumph. Much as they may affect to exult, nothing can be clearer than their disappointment upon the occasion, and the petition lately presented against my seat for Kirkwall, proves their mortification to a certainty. And indeed it appears from the conduct of government, that Scotland is the only place that could return me, as the same shameless persecution would, no doubt, have followed me in any other place in England; fortunately there was one part of the kingdom where their oppression could not prosper, and from which their violence and injustice could not exclude me.

Sir, I do really believe that the supporters of this extraordinary business look but a short way, and do not at all calculate or count upon its probable effects. If there had not been an act of parliament expressly to regulate scrutinies in the city of London, who can say that, at this moment, when laws are to be made as serious and interesting as any that ever passed in this country; when great and weighty impositions must be laid upon the subjects; when new and important regulations are to be entered upon, concerning the commerce, the credit, and revenues of the nation—who can say that at this time the capital of the country, so deeply and supremely interested in all these objects, might not be deprived of representation as well as the city of Westminster?—But, Sir, I beg pardon—I am doing injustice. The sheriffs of London are too well acquainted with their duty, and too zealous for the honourable discharge of it, to have been guilty of so gross an outrage upon the laws of the land, or lent themselves to be the vile and sordid instruments of so base a business.

But the character of an officer is a weak security against the abuse of an office. Under men less informed, and less tenacious of their official reputation, who can say (if an express act had not rendered it impossible) that the patrons of sir Cecil Wray, who are also the patrons of Mr. Atkinson, might not practise the same stratagem in the city of London, and by that manœuvre prevent the wishes and the sentiments of the capital from being declared in this House, through the constitutional organ of their representatives?—They Sir, I affirm, are weak and foolish men, rash and giddy politicians, who by supporting a measure of this kind, become parties in a precedent capable of producing consequences which strike at the source and root of all legislation. For it is the fundamental maxim of our constitution, that the consent of the people by their representatives is essential and indispensable to those laws that are to govern them.

Upon this, however, a curious sort of

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reasoning is adopted, and a noble lord (Mulgrave) sees no evil in a defect of representatives for Westminster, as it is virtually represented by those who sit here for other places. In the principle that every member is bound to the common interest of all, I certainly do agree; but I beg leave to set myself wholly against the general argument of virtual representation. We have too much of virtual, and too little of real representation in this House; and to the present hour I never heard that the most determined enemy to a parliamentary reform ever urged, that the virtual representation of the country was so complete a substitute for real representation, as to deem it wise and salutary upon slight occasions, or upon any occasion, to lessen that which is already much too little. The whole tide of reasoning has, on the contrary, run in the other channel, and the great argument for a parliamentary reform has been founded upon this very defect of real representation, which the noble lord over-against me is so zealous to diminish. As the hon. gentleman near him, however (Mr. Pitt), is the professed friend of that reform in the representation of the people of this country, which I have in common with him so long laboured in vain to accomplish, I shall hope to see him stating this very case of Westminster, to induce the House to adopt the motion which will be made upon that subject by my hon. friend (Mr. Sawbridge) in a few days. Of the prosperity of that motion I now entertain real confidence, the boasted power in this House of the right hon. gentleman insures success to any measure he abets. No question therefore can be entertained of attaining it, if the hon. gentleman is serious upon the subject; for surely the people of England can never be persuaded that the majority which supported the minister in vindicating a direct violation of the law of the land in the person of Mr. Corbett, could have failed him in endeavouring to effect an object so long looked for, so loudly called for, and so essentially necessary to the security of the constitution and the good of the nation, as a reform in the palpably defective representation of the people in this House.

The same noble lord attempts to strengthen his cause with a species of argument still more extraordinary, if possible, than the former, although of nearly the same nature. He tells you that representing Westminster has been a mere naval honour; and after stating the choice of lord Rodney when on foreign service, leads you to this inference, that the electors of Westminster are wholly unsolicitous whether they are represented or not. This is rating the electors of Westminster at a low estimate indeed; but I, Sir, who know them better than the noble lord, deny that they are so insensible to the blessings of the British constitution as his argument pretends. The electors of Westminster have rescued themselves from this imputation, Sir; they are seriously anxious to be represented, and they tell you so. But I remember when absence was deemed a disqualification for naval officers upon a Westminster election; I remember when lord Hood was in the zenith of his fame, that a person now in my eye (lord Mahon) urged his absence to the electors as a ground of rejection, and advised them to prefer sir Cecil Wray, who was present and able to represent them, to lord Hood, who was absent and unable. This, though not my argument (whose opinion is uniformly, that all electors of all places should elect the men of their choice) was the exact argument of the present supporters of lord Hood in favour of that of sir Cecil Wray, who then opposed him, but who now (in his enmity to any junction after past opposition, in his utter abhorrence of all coalitions) is linked with that very lord Hood in ties of friendship and good faith, which he certainly never will violate.

Efforts, Sir, have been made to explain the Act of George 2, to the exculpation of this high bailiff; and his supporters affect to justify him upon his declared difficulty in making up his conscience. Why, Sir, the very Act they attempt to shield him under is his strongest condemnation. The oath imposed in that Act, only binds him to decide to the best of his judgment by a limited time. Lives there one man who shall say, this man would have incurred the penalties of perjury, if he had returned the majority upon the poll? Lives there one man who thinks the disquietude of his conscience alone prompted him to make the return he has made, when they must see a thousand instances every day of decisions of conscience, in cases a thousand times more ambiguous and solemn? I will ask the House, whether this high bailiff has appeared to them, in the course of this business, so spotless, so immaculate, so consistent, as to induce

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them to give him credit for a delicacy of nerve and a tenderness of scruple beyond any other man living? Every person in the exercise of a judicial function stands precisely in his predicament. What should become of us, if a judge were for ever to delay justice until he could make up his conscience to the minutest point of precise accuracy upon every doubt? There are few cases upon which a man cannot form some opinion; all that is required here is, to form the best opinion he can; and if seven weeks did not afford the high bailiff time enough to determine, it is surely hard with those who are obliged to decide almost immediately in the most important interests of humanity. My hon. friend who made this motion, with that weight and wisdom that accompany all his observations, has adverted to the case of jurors. Have you then patience at this man's pretence of conscience, when you reflect that twelve men must all concur before they go out of court, in a judgment which perhaps consigns a fellow-creature to an ignominious death; the case may be doubtful too, and they must all concur in a few hours at most.

It is unnecessary to push this point farther. I appeal to the House. There are feelings which even party prejudices cannot disposses us of. We owe to each other a certain candour; and I am sure I should be thoroughly satisfied to put this matter to the private answer of any man who hears me, if I were only to ask him, upon his honour as a gentleman, Whether he really believes the return of this high bailiff is an act of conscience? And whether he thinks, if I stood in sir Cecil Wray's place, and he had my majority, that we should ever have heard of this man's difficulty in giving judgment, or ever been insulted with this mockery of his scruples?

To shew, in another striking point of view, that this scrutiny is against the law, let the House reflect for a moment upon its utter inefficacy to enable the high bailiff to form a judgment; as that is the pretended cause of it. What means has he of exploring those things which he now affects to entertain doubts upon? He can command no witness; he can compel no appearance; he has no legal authority of penetrating the obscurity of any fact like other judges; he can administer no oath; he can impart no remedy to the party aggrieved by so tedious and vexatious a process; he can award no costs; he can try no offence that occurs in the execution of this important duty; he is governed by no precedents; he is bound by no decisions; what he affirms to-day, he may deny to-morrow; he has, in a word, all the means of doing injustice, and no one power or competent faculty to do justice. Yet to this species of tribunal is this House going (in violation of law and practice) to send me and my cause, on purpose to evade one which is fully adequate, effective, and vigorous: I mean, a committee under Grenville's Bill.

A noble lord expresses his suspicions of the sincerity of my praises of Grenville's Bill, and says, he imagines there is 'a snake in the grass:' it is most true that I have had my doubts upon the effects of that Bill, when it first passed into a law; but, Sir, it is exerting the worst tyranny upon the understanding of men, if they are to be for ever condemned for having entertained doubts upon a subject purely theoretical. Extinct is every idea of freedom, and lost is the boasted liberty of debate and the spirit of free-thinking in this country, if men are to be debarred from profiting by practice, and changing opinion upon the conviction of experiment. All I can say, Sir, is, that the many salutary effects of that Bill have long since completely converted me; and I do assure you, in great sincerity, that no man living reveres and loves it more than I do. There can be no stronger proof of its superior excellence, than that the evasion of it is the only possible means by which his Majesty's ministers could perpetrate this gross act of injustice. The most infallible of all tests, the test of repeated practice, asserts its virtues; and my attachment to it is not a little increased, for that it resembles that inestimable right, one of the few that Englishmen have yet to boast—the trial by jury. Oh, that it were possible to mould this House into the size and character of a jury—of twelve men acting, indeed, upon conscience, and sworn upon oath, to give a true verdict according to evidence! How easy should I feel concerning the issue of this discussion!

In addition to all these arguments, will the House reflect that this scrutiny is not final in deciding the right of sitting here? Will they reflect, that after all the waste of time, after all the expense, all the labour, all the fatigue, which are indispensible upon it, its termination (whenever it may happen) is but the commencement of

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another process, before a judicature capable and competent to administer justice, with a new series of expense, and labour, and fatigue. And who can tell us when this scrutiny shall conclude? The granting it is not more illegal and oppressive, than the duration is uncertain and indefinite: Who can promise when such a conscience as Corbett's will be quieted? And who will venture to say, that after one, two, three, or ten years investigation, the high bailiff's conscience may not be as unsatisfied, even upon the scrutiny, as it appears at this moment, after a seven weeks poll?

"But," say the supporters of the high bailiff, "this House will take care that there is no vexatious delay in the business, and will from time to time call upon him for a return, or for the cause that may prevent his making one." I understand that argument perfectly well, Sir; and it is of itself sufficient to shew the grossness of this proceeding. When the bailiff will be called on to make a return, and when he will obey that call, can be very easily conceived indeed. If it were possible for this man, in the course of this scrutiny, to strike off from my numbers so many as would place sir Cecil Wray on the head of the poll, I have not the smallest doubt that all delays subsequent to such an event would appear just as frivolous, as vexatious and oppressive, to the gentlemen on the opposite bench (the ministry) and to the high bailiff's conscience, as the whole proceeding now appears to me, and to the injured electors of Westminster. Upon all the considerations, therefore, that I have mentioned—the inordinate expense; the inefficacy of the tribunal; the obvious necessity of afterwards resorting to a more adequate and competent judicature; the certainty that this precedent will be the source of future oppressions; the dangerous example of it to other returning officers, who, under the sanction of this case, can give full scope to their partialities, their caprices, and corruptions; the circumstance of depriving so great and respectable a body of men of their representation in this House; the recognizing that dreadful doctrine, that a king may be without a parliament, and the people without representation, at the mere will and bare discretion of any low, mean, ignorant, base, and wretched being, who may happen to be a returning officer; from all these considerations, therefore, I am convinced, and I hope I have convinced this House, that if no statute could be found upon the subject, that if the common law were silent, and that legal analogies gave no light upon the subject, even upon the grounds of common sense and expediency the law is clear and intelligible. But when all these concur to define and to decide the law; when positive statutes, when practice and precedents, when the analogies of law and the arguments of expediency, founded upon the immutable principles of wisdom, reason, and sound policy, all combine and unite to establish and to assert it, can I have any fear to say that this motion ought to pass, and that the high bailiff of Westminster, instead of being permitted to proceed with this scrutiny, should instantly make a return of members for the city of Westminster?

Some gentlemen have argued, that this motion does not agree with the prayer of the petition: let it be recollected, Sir, that the petition was presented by me with a view of its being referred to a committee —[here the minister gave a token across the House, as if to deny the fact].—Really, Sir, if there is not enough of candour to admit this assertion without being explained, there seems but little chance of a fair hearing, or of a fair construction, upon points much more material. I again declare it was presented for the purpose I have described. A majority of this House decided that the petition was not cognizable by Mr. Grenville's Bill; and it was upon a suggestion from the other side of the House, that I presented it the same day to save time, and prayed that counsel might be heard at the bar in favour of it. The sole object of that petition was, that this House might order such a return as would come under the jurisdiction of a committee; the motion before you goes precisely to the same point, and to no other.

To that argument, if it deserves the name of argument, that we are inconsistent in desiring the high bailiff to make a return, when we contend that all his authority under that writ is completely defunct, it is almost unnecessary to reply, because it evidently defeats itself. In contending that the high bailiff was *functus officio* on the 18th of May, we are fortified by law; and in desiring he would make some return, we are justified by precedent.

We contend, and contend with truth, that the writ, under which the high bailiff carried on the election, being returnable on the 18th of May, on that very day de-

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prived the bailiff of all judicial authority, and divested him of all legal power under that writ. To proceed with a scrutiny is a great act of authority; to tell us who have in his opinion the majority of legal votes, is not. That this House should order a returning officer to commence a scrutiny several days after the positive day on which his writ was returnable, cannot be paralleled by a single case in all the history of parliament—that it should order a returning officer, who tells you he proceeded to an election, carried on a poll for a sufficient time, and that he then closed that poll of his own authority, to make a return, has happened again and again. We do not desire him to exercise any jurisdiction under that writ now, we only desire him to acquaint us with the fruits of the jurisdiction which he has exercised under it. "I have done so and so," says the high bailiff—Tell us what you mean, is all we say. "I have, on such a day, proceeded to an election," says he; "I have carried on a poll for forty days; I have, on the day before the return of the writ, closed that poll of my own authority." —All this we understand; in all this you did your duty; only tell us who are the candidates chosen upon this long poll? We do not mean to say you have at present any authority to do any thing under that writ; all we want to know is, what you have done when you had authority under it? Let the House reflect upon this fair and reasonable distinction, and they will see the paltriness of those quibbles, the misery of those low subterfuges, which imply that we would bring "a dead man to life," and which imply an inconsistency between the motion and the arguments advanced in support of it.

What, I beg leave to ask, has appeared to the House extraordinary or uncommon in the election for Westminster, that justifies this matchless violence? In all the variety of evidence they have heard at the bar, has there been a proof of one single bad vote on my side? Not one; but there was much hearsay that I had bad votes: sir Cecil Wray and his agents told the high bailiff they heard I had. Good God, Sir, am I addressing men of common sense? Did any of you ever yet hear of an election, wherein the losing candidate did not charge bad votes and bad practices upon the fortunate candidate? Peevishness upon miscarriage is perhaps an error, but it is the habit of human nature; and was the high bailiff so unhackneyed in the ways of men as to be unapprised of this frailty; or are the discontents of sir Cecil Wray, and the loose accusations of his agents, the extraordinary things which the House sees in the Westminster election to justify this proceeding? Is the length of the election one of these uncommon incidents? By no means. The same thing happened at Bristol, where, without doubt, a scrutiny had been granted, if the returning officer thought the law would bear him out in it. The same thing happened at Lancaster, where a scrutiny was demanded and refused; and where, when the connexions of one of the candidates* are considered, no doubt can be entertained that every stratagem to procrastinate, every scheme to perplex, every expedient to harass, all that a disposition, not the mildest when victorious, nor the most patient when vanquished, all that wealth, all that the wantonness of wealth could do, would have been exerted; and where a plan so admirably calculated for litigation, for vexation, for expense, for oppression, as a scrutiny, would not have been omitted, were it found legal or practicable.

Let the House reflect for a moment upon the facility of a collusion in a case of this sort, to keep a candidate from his seat, whose right to it is clear, unquestioned, and unquestionable. Suppose that not one single bad vote had been given for lord Hood in the late election, and that the noble lord were not (he best knows why) resigned and easy under this proceeding; what could be more hard and cruel than his situation? Does not the House see that ministers will be enabled by this precedent to exclude an obnoxious candidate for an indefinite space of time, even though his majority be the most undoubted possible, and his election the fairest in the world? It is only for the losing candidate to demand, and for the returning officer to grant a scrutiny. These are some of the evils that present themselves upon the recognition of this practice, as right and legal. For my part, I see nothing in the late election for Westminster peculiar and distinct from many other elections, but this singly—that I was one of the candidates. In that light it is already seen by every cool, dispassionate, and sensible man; and that the whole nation will contemplate and construe the

* Mr. Lowther, the nephew of sir James Lowther, just then created earl of Lonsdale.

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business of this night as an act of personal oppression, I am thoroughly convinced; nor can they think otherwise, when they learn, that in all the law books of this country, in all your Journals, in all the histories of parliament, in all the annals of elections, in this great land of elections, where, from time to time, all that power, all that ingenuity, all that opulence could devise or execute, has been tried in elections; where, in the vast mass of cases that have happened, in all the multiplied variety of singular and curious contests we read and hear of, nothing is found that assimilates with, or authorizes this scrutiny, under these circumstances—not even by the worst of men, in the worst of times.

Sir, I will acquit the right hon. gentleman over-against me (Mr. Pitt) of being the author, or of being a voluntary instrument in this vile affair; and in that concession, Sir, I do not give him much—it is but crediting him for a little common sense indeed, when I suppose that, from a regard to that government of which he is the nominal leader, from a regard to his own character with the world at this time, and his reputation with posterity, he acts his part in this business not without concern. That he may be accusable of too servile a compliance is probable enough; but of a free agency in it I believe he is guiltless. Not to him, Sir, but to its true cause, do I attribute this shameful attack; to that black, that obstinate, that stupid spirit, which by some strange infatuation pervades, and has pervaded the councils of this country, throughout the whole course of this unfortunate and calamitous reign—to that weak, that fatal, that damnable system, which has been the cause of all our disgraces, and all our miseries—to those secret advisers, who hate with rancour, and revenge with cruelty. To those malignant men, whose character it is to harass the object of their enmity with a relentless and insatiate spirit of revenge; to those, Sir, and not to the hon. gentleman, do I impute this unexampled persecution.

Having said so much as to the real authors of this measure, there remains another consideration with which I am desirous to impress the House; it is a consideration, however, which in policy I ought to conceal, because it will be an additional incitement to my enemies to proceed in their career with vigour; but it will, nevertheless, shew the extreme oppression and glaring impolicy of this scrutiny—I mean, the consideration of expense.

I have had a variety of calculations made upon the subject of this scrutiny, and the lowest of all the estimates is 18,000*l.*; this, Sir, is a serious and an alarming consideration. But I know it may be said (and with a pitiful triumph it perhaps will be said) that this is no injury to me, in as much as I shall bear but a small part of the burthen: but this, Sir, is, to me, the bitterest of all reflections.

Affluence is, on many accounts, an enviable state; but if ever my mind languished for, and sought that situation, it is upon this occasion; it is to find, that, when I can bear but a small part of this enormous load of wanton expenditure, the misfortune of my being obnoxious to bad men in high authority should extend beyond myself; it is, when I find that those friends whom I respect for their generosity, whom I value for their virtues, whom I love for their attachment to me, and those spirited constituents to whom I am bound by every tie of obligation, by every feeling of gratitude, should, besides the great and important injury they receive in having no representation in the popular legislature of this country, be forced into a wicked waste of idle and fruitless costs, only because they are too kind, too partial to me. This, Sir, is their crime, and for their adherence to their political principles, and their personal predilection for me, they are to be punished with these complicated hardships.

These, Sir, are sad and severe reflections; and although I am convinced they will infuse fresh courage into my enemies, and animate them the more to carry every enmity to the most vexatious and vindictive extremity, still it shews the wickedness of this scrutiny, and the fatality of its effects as an example for future ministers.

Little remains for me now to say upon this subject; and I am sure I am unwilling to trespass more upon the House than is barely necessary. I cannot, however, omit to make an observation upon an argument of two learned gentlemen (the Lord Advocate and Mr. Hardinge) who concluded two very singular speeches with this very singular position—that the House had only to choose between issuing a new writ, or ordering the scrutiny; that in its lenity it might adopt the latter method; but that their opinion was, for issuing a new writ.

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Now, Sir, if I, who think the old writ totally annihilated; who think that its powers and authorities have been completely extinct since the 18th of May, had delivered such an opinion, there would have been nothing in it inconsistent; and I should certainly be for issuing a new writ in preference to a scrutiny, if the law, the reason of the thing, and practice of parliament did not convince me, that the high bailiff having finished the election on the 17th, might make a return as of that day. But for the learned gentlemen who contend that the old writ is still in full vigour and force, who think that the high bailiff has acted constitutionally and legally, and that a scrutiny may go on after the return of the writ—for those gentlemen to assert that issuing a new one would be the fitter measure, is indeed extraordinary. But, Sir, against that position, that the House might order the scrutiny to proceed as a measure of lenity, I beg leave directly to oppose myself! I beg leave to deprecate such lenity, such oppressive, such cruel lenity!

To issue a new writ is a severe injustice and a great hardship; but if I am forced to the alternative, if I am driven to the necessity of choosing between two evils, I do implore the House rather to issue a new writ than to order this scrutiny. Nothing can possibly be half so injurious, half so burthensome, half so vexatious to me and to my friends, as this scrutiny; and it is evidently ineffectual, as it cannot be supposed that I should finally submit to the decision of a tribunal from which I have so little justice to expect. There is nothing I assure the House to which I should not rather resort than to the conscience of Mr. Thomas Corbett; upon whom I do not expect that the translation of the scene from Covent Garden to St. Ann's, or proceeding upon a scrutiny instead of a poll, will operate such conversions as to give me any hope of his displaying any other character, or appearing in any other light than that in which I have seen him upon many occasions in his official capacity. Therefore, Sir, if it be only the alternative, I beg that the issuing a new writ may be the alternative you will adopt. In that case, I assure the right hon. gentleman (Mr. Pitt) that I shall immediately apply to him for one of the Chiltern Hundreds to vacate my seat for Kirkwall, and instantly throw myself, as my only chance for the honour of sitting in this House, upon the good opinion of the electors of Westminster; who, in a season of phrenzy and general delusion; who, when artifice, fallacy and imposture prevailed but too successfully in other parts of the country, discovered a sagacity, a firmness and a steadiness superior to the effects of a vulgar and silly clamour; and who, upon the very spot, the very scene of action, manifested that they understood and despised the hypocrisy, the fraud and falsehood which gulled and duped their fellow subjects in other places. In the event of a new election, I do anticipate future triumphs more brilliant, more splendid if possible, than those I had lately the honour of enjoying. Little fear do I feel of success with the electors of Westminster, who will not, I am sure, abandon me, until I desert those principles which first recommended me to their favour.

A person of great rank in this House, has thrown out a hint or threat, I know not which to call it, in a former debate, "that I should not again disturb the peace of the city of Westminster." Good God, Sir, did any man ever hear such aggravating, such insulting insinuations? I disturb the peace of Westminster! Is that hon. gentleman not contented with breaking every law, with violating every statute, with overturning every analogy and every precedent, to accomplish this business; but must he, at the very moment he thus makes a deep breach in the English constitution, complete the catalogue of injury, by adding pertness and personal contumely to every species of rash and inconsiderate violence? I! I disturb the peace of this city, who have three times had the honour of representing it in this House! I! who was favoured with the free suffrages of its electors, long, long, before any of those who lately opposed me were ever talked of, ever thought of for such a distinction! Every man qualified to sit in parliament has a right to offer himself wherever he thinks proper; and it is indecent, daring and audacious in any man to insinuate that he ought not to disturb the peace of the place. I therefore hope, Sir, that a language so peculiarly false and unbecoming towards me and so directly repugnant to the genius and spirit of the constitution, will meet with the disapprobation it deserves in this House, as it certainly will be received with merited odium and execration out of this House.

Upon the generous protection of the

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electors of this city I shall certainly throw myself, in case of a new writ; and in doing so, Sir, well I am aware what series of various difficulties I have to encounter. Expenses at elections, in despite of every effort to reduce them, still continue most exorbitant; and how ill matched in funds and certain inexhaustible resources I stand with my opponents, is indeed very unnecessary to explain: but, Sir, it is not in the article of expenses that I should most dread the operation of that power that sustains my adversaries; that power, which discovers itself in characters that cannot be mistaken, through every part of this transaction. I must be blind not to see that the hand of government appears throughout this matter. When I consider the extreme care employed in preparing it for the measures which have been taken in this House in consequence of it—when I consider the evident determination not to let it rest here—when I consider the extraordinary zeal and anxiety of particular persons in this House to shelter and to sanctify this high bailiff—when I consider the situation of those who take the lead and are most active in his vindication—when I consider the indifference of my adversaries to the expenses which result from this scrutiny, but which expenses must be a severe stroke upon the spirit and independence of those by whom I am supported—when I consider that all that artifice could dictate, and power could execute, have been exerted upon this occasion, I can have no doubt that the hand of a revengeful government pervades it all. The opposition of such a government upon an election is a discouraging circumstance; and the likelihood of renewing again those events which I have witnessed within the last two months, is indeed a formidable and terrific prospect.

When I look back, Sir, to all the shameful and shocking scenes of the Westminster election—when I consider that my enemies practised all that was possible of injustice, indecency and irreverence, in their efforts to overwhelm me—when I consider the gross, the frontless prostitution of names too sacred to be mentioned—when I consider that all the influence of all the various branches of government was employed against me, in contempt of propriety and defiance of law—when I consider that a body of men was brought in the appearance of constables to the place of election, under the command of a magistrate, and against the express opinion of all the other magistrates of Westminster—that these constables broke that peace they were bound to preserve, and created a riot, which proved fatal to one of their own body—when I consider that this was made the pretence of a wanton, an indecent, and unconstitutional introduction of the military, in violation of all that has been done by our ancestors to keep sacred the freedom of election—when I consider that the lives of innocent men were deemed light and trivial impediments to the gratification of that implacable spirit of revenge, which appears through the whole of this business—when I consider that several men of the lower order of life, whose only crime was appearing in my interest, were confined many weeks in prison and obliged to stand trial, and* that others, of the higher rank, ingenious and amiable men, valuable for their qualities, respectable for their characters, distinguished for their abilities, and every way meriting the esteem of mankind, were also attacked without the shew of a pretence, and obliged to undergo the ceremony of a public acquittal from the foul crime of murder—when I consider that palpable perjury and subornation of perjury were employed to accomplish the sanguinary object of this base conspiracy—when I consider that the malignity of my enemies has stopt at nothing, however gross and wicked, to ruin me and all that appeared in my interest—when I consider all this Sir, I cannot indeed but look with some anxiety to the circumstance of a new election.

I am not, Sir, it is well known, of a melancholy complexion, or of a desponding turn of mind; yet the idea of again combating this host of oppressions might, in other situations, deter me from the risk; but I owe too much to the electors of Westminster, ever to abandon them from the dread of any consequences; and I do assure you, that I should conceive a new writ, with the hazard of all these hardships, as a great indulgence and favour, compared to that mockery, that insult upon judicature, a scrutiny under Mr. Thomas Corbett.

Sir, I have nothing more to say upon

* These men were tried at the bar of the Old Bailey, and acquitted. A bill of indictment was also found against Mr. O'Bryen, but no evidence was produced against him in court.

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this subject—whatever may be the fate of the question, it will be a pleasing reflection to me, that I have delivered my opinions at full, upon a point so important to that great and respectable body of men to whom I am so much indebted; and I sincerely thank the House for the honour of their patience and attention through so long a speech.

To the honourable gentleman over-against me (Mr. Pitt) I will beg leave to offer a little advice. If he condemns this measure, let him not stoop to be the instrument of its success. Let him well weigh the consequences of what he is about, and look to the future effect of it upon the nation at large. Let him take care, that when they see all the powers of his administration employed to overwhelm an individual, mens eyes may not open sooner than they would if he conducted himself within some bounds of decent discretion, and not thus openly violate the sacred principles of the constitution. A moderate use of his power might the longer keep people from reflecting upon the extraordinary means by which he acquired it. But if the right hon. gentleman neglects his duty, I shall not forget mine. Though he may exert all the influence of his situation to harass and persecute, he shall find that we are incapable of unbecoming submissions. There is a principle of resistance in mankind which will not brook such injuries; and a good cause and a good heart will animate men to struggle in proportion to the size of their wrongs and the grossness of their oppressors. If the House rejects this motion, and establishes the fatal precedent that follows that rejection, I confess I shall begin to think there is little to be expected from such a House of Commons. But let the question terminate as it may, I feel myself bound to maintain an unbroken spirit through such complicated difficulties; and I have this reflection to solace me, that this unexampled injustice could never have succeeded, but by the most dangerous and desperate exertions of a government, which, rather than not wound the object of their enmity, scrupled not to break down all the barriers of law—to run counter to the known custom of our ancestors—to violate all that we have of practice and precedent upon this subject, and to strike a deep blow into the very vitals of the English constitution, without any other inducement or temptation, or necessity, except the malignant wish of gratifying an inordinate and implacable spirit of resentment.

Mr. Chancellor *Pitt* spoke to the following effect:—Sir; if the right hon. gentleman's reason for being so desirous of securing to himself the last hearing in this debate, has been in order that his mad and violent assertions might pass without opportunity of being contradicted, I must acknowledge, indeed, the prudence and policy of his conduct in endeavouring to prevent a reply; but I must rejoice, however, when charges are brought against administration, as gross as they are unfounded, that I have the opportunity of rising to refute the charge, to contradict the assertions, to defy that right hon. gentleman to proof, and to assert with equal hardiness, and, I trust, with more than equal truth, that, in no respect, has administration exercised any undue influence—in no respect have they been so profligate as to furnish those means which have been hinted at—in no instances have they suborned witnesses to swear away mens lives—in no respect whatever have they been accessary to those violences, murders, perjuries, and that black catalogue of offences which the right hon. gentleman calls up, by way of auxiliary matter, to embellish his speech, and to assist the House in the decision of that grave, dry, constitutional question, which is all that we have this night to determine. Sir, if the right hon. gentleman has his charge to bring forward, the courts of this country are open to him: I hope, and trust, administration is not so strong as to be able to resist any just accusation that he can bring against them. I hope, on the other hand, administration is not so weak as to give way and yield to vehement assertions, utterly unsupported, and evidently malicious: I hope opposition is not so strong; I hope there is no faction in this country so strong, so bold, so mad with desperation and disappointment, as to throw out great and criminal charges against administration, without having either the intention, or the means, or the shadow of any means, to support the accusations which they venture so roundly to make.

I am not surprised, indeed, if the right hon. gentleman should attempt to represent himself as the marked object of ministerial persecution. With respect, Sir, to the cruel hardship he has just complained of, namely, that he has not been allowed to have the last word in the debate,

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I would only beg leave to remind both him and the House, that so far from having, from his present situation, an indisputable right to the last word, it is contrary I believe to a standing order of your House, that he is allowed to speak at all, or even to be present in the House; for one of your standing orders says, "That if any thing shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate." Such, then, is the cruel persecution carrying on against the right hon. gentleman, that, instead of being forced to be silent and to withdraw, he is allowed to speak often ten times a day on the same question; sometimes, Sir, for three hours at a time, filling his speech with every thing that is personal, inflammatory and invidious. I say, nevertheless, I am not surprised if he should pretend to be the butt of ministerial persecution,—and if, by striving to excite the public compassion, he should seek to reinstate himself in that popularity which he once enjoyed, but which he so unhappily has forfeited. For it is the best and most ordinary resource of these political apostates, to court and to offer themselves to persecution, for the sake of the popular predilection and pity which usually fall upon persecuted men; it becomes worth their while to suffer, for a time, political martyrdom, for the sake of the canonization that awaits the suffering martyr: and I make no doubt the right hon. gentleman has so much penetration, and at the same time so much passive virtue about him, that he would be glad not only to seem a poor, injured, persecuted man, but that he would gladly seek an opportunity of even really suffering a little persecution, if it be possible to find such opportunity.

Upon the same ground, Sir, it would unquestionably be my interest, and no less, I am sure, my wish, to abstain from every thing that has even the appearance, much more that is in reality any thing like persecution; but yet, when great constitutional questions are involved, it then becomes a minister to forego every other consideration; and so far perhaps to gratify his adversary, as to furnish him with the pretence of being the object of ministerial persecution, stedfastly determining at all hazards, and contrary perhaps to his own convenience, to maintain the true spirit of the constitution.

I wish to meet the right hon. gentleman on the two grounds which he has laid down, and to decide upon the issue of them: first, the propriety and expediency of granting a scrutiny; and secondly, the legality of it under all the circumstances of the case. And here, Sir, let me first touch a little on the hardship which the right hon. gentleman is said to labour under. Now I do insist, that if his single object is (as he says it is) to bring the dispute to the decision of Mr. Grenville's committee, a scrutiny will not delay that decision one moment; nay, it will even forward it: for, suppose the return, according to the motion before the House, to be made immediately, still the petition before Mr. Grenville's committee could not be gone through this year; it must therefore begin again, *de novo*, the next, and the latter end of next session would arrive before the question could be decided. On the other hand, let a scrutiny be now instituted preparatory to the petition, it will be finished, in all human probability, before the beginning of the next session; and the petitioner, whoever he may be, will come prepared, having his business cut short by this means, so that the petition must be finally decided in the early part of the next session: or perhaps the consequence of a scrutiny may be, that there shall come no petition at all.

But the right hon. gentleman wishes even that there might be a new writ, and a new election, rather than a scrutiny: now, let us see how this would expedite the business. Why, Sir, if a new writ were issued while the parliament is sitting, as this would be, all sides are agreed that the bailiff would have a perfect right to prosecute a scrutiny whenever the poll is over; it being universally allowed, that scrutinies are lawful in the case of elections during the sitting of parliament. If you grant, therefore, the right hon. gentleman this curious wish of his, the consequence will simply be, that after another forty days poll, forty days riot, and forty days confusion, he will find himself just where he is at this moment, except, indeed, that he will then be constrained to own (from the precedent of Vandeput and Trentham, which will become precisely in point) that the high bailiff, if he pleases, will then have an undoubted right to go on with the scrutiny.

Now, to say the truth, the arguments of the right hon. gentleman, if they prove any thing, must necessarily prove what I have just stated; namely, that there must

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be a new writ: for he tells you, that, after the 18th of May, the bailiff became *functus officio;* that all the virtue of his writ expired, and that the high bailiff, after that day, was no longer, in this respect, high bailiff, but was turned into a private person, and had no more right to institute a scrutiny than any one of us; and yet, Sir, by the resolution before you, this bailiff is ordered to do an act which no bailiff, *functus officio*, can possibly do; namely, to return the writ. The hand you order to sign the writ is a dead man's hand. Why surely, Sir, if the bailiff, ever since the 18th of May, has been like one of ourselves, you may as well order one of us to make the return as order the high bailiff to do it. So far, therefore, as the hardship of the case is considered, it is clear, that to let the scrutiny proceed is a mitigation of trouble and expense; since a new writ is the consequence of the hon. gentleman's argument, and a new writ, as I said before, would, forty days hence, exactly bring us to that point where we are now arrived.

I must beg the House, then, to consider coolly and distinctly what the motion before you tends to: it does not, indeed, command the high bailiff to return lord Hood and Mr. Fox, as the hon. gentleman first intended, and as his petition prayed; that is now found out to be too monstrous, for that would be no less than to make this House the electors of its own members, usurping at once the office of returning officer and the right of electing the representatives of the people. That ground, I say, Sir, is shifted; and to what does the resolution now go? It orders the high bailiff to return two members; it orders this deceased returning officer to come back again to life, in order to make a return of the writ; this officer, I say, Sir, whose existence irrevocably ceased on the 18th of May; for, on the single argument of his perfect nonentity since that day, rests the whole of that conclusion which is so contended for, that he is not in the capacity to prosecute the scrutiny. Now, Sir, the resolution also orders the high bailiff to return those two candidates who have, in his judgment, the majority of legal votes; though the bailiff told you yesterday, he could form no judgment who had the legal majority, and though he explained, by substantial evidence, for what reasons it was impossible to form such judgment. Sir, I will not weary the House with entering into all the detail of evidence; but I ask any man of honour, of candour, and of plain sense, whether the high bailiff of Westminster had not sufficient reason to wish for a scrutiny, in order to satisfy his own judgment and conscience, provided a scrutiny could be legally prosecuted, under all the circumstances of the case? The legality of it is what I shall certainly have to prove—His evidence, in three words, was this; that there have polled at this election above 4,000 more men than there are legal votes in Westminster upon any calculation that can be formed; that there have sometimes been 1,800 suffered to poll in a day, under the idea that the votes were to be revised at a scrutiny; that he has received information of many hundred bad votes for Mr. Fox in two particular parishes; that he has had intelligence sufficient, certainly, to warrant a suspicion that bad practices had been used for the purpose of procuring a number of illegal votes; and that he was terrified, by violent threats, into an admission of many votes extremely doubtful, which, however, he set down at the moment, with the determination to inquire into them afterwards: upon these grounds, let any man deny, if he can, the expediency and propriety of a scrutiny, provided it be lawful. We are told indeed of Mr. Grenville's committee, and that it is there alone an effectual scrutiny can be had; but, Sir, the high bailiff is not to take Mr. Grenville's Bill into his consideration; he is sworn to return those who have the majority of legal votes according to his judgment; and he is bound, therefore, to do every thing that is legal, in order sufficiently to inform his judgment: besides, give me leave to say, the possession even of the seat ought not to depend on the very loose discretion of the returning officer. The law and the constitution consider it to be a matter of some moment who shall be put to the trouble of petitioning, and it is expected of the returning officer, that he should give the intermediate possession of the seat to those candidates alone who have pretty strong *prima facie* evidence of their right.

Now, Sir, with respect to the legality of the scrutiny, under all the present circumstances, which appears to me the hinge on which every thing is now to turn, I am certainly forced to acknowledge, that there exists no precedent precisely in point, though the case of Vandeput and Trentham, in this same city of Westmin-

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ster, appears to me nearly in point as to the meaning and spirit of it; but there is certainly this accidental difference, that that was an election during the existence of parliament, the present is an election following a dissolution. What I mean, however, to prove, and what I say must be proved (unless we issue a new writ) is this; that the high bailiff was not so completely *functus officio* on the 18th of May, but that sufficient explanation having been given why the bailiff could not return the writ on the day when it was returnable, the law and the constitution do allow, that this House should leave the returning officer to prosecute and complete the election which he has begun, without issuing a new writ.

The case of Coventry has been quoted, in order to prove the returning officer *functus officio*; but I deny that that is a case in point. There, the election was interrupted by riots, the poll-books destroyed, and the returning officer therefore made (as in the present case) a special return, certifying to the House the reasons why he could not return two members; whereupon the House issued a new writ. But, Sir, between that case and the present there is a striking difference. Here the bailiff reports to us that the election is begun, but is not yet complete for certain reasons. In the case of Coventry, the returning officer certified that the whole election had been defeated; not that he had not had time to decide whom he should return, but that he had all to begin again, which rendered a new writ most undoubtedly proper. The act of parliament on which gentlemen lay their great stress, and which the bailiff is said to have broken, is, as I understand, the 10th and 11th of king William; an Act, as I must insist, applicable only to sheriffs, who were grown at that time extremely negligent in forwarding their writs, which are the aggregate of the precepts they had received in their respective districts from the several bailiffs. It applies to sheriffs, merely as executive, not as judicial officers; enjoining them to make up with diligence the precepts they had received, and to send them to the crown office within a limited time, under the penalty of 500*l.*; a moiety of which is payable to the person suing for it. Now, Sir, as the right hon. gentleman has confessed, upon better information, that he should stand no chance of recovering the penalty on a popular action, since he has declined this species of revenge upon the bailiff, which he at first threatened, he has saved me the trouble of contesting that question; and it is indisputably clear, that the present case can by no means come under that Act. That Act relates, I say, to the executive conduct of the sheriff; the present question respects the judicial conduct of the bailiff, who, in order to make up his judgment, has thought proper, under certain extraordinary circumstances, to institute a scrutiny. I am far from thinking that a bailiff has any right to protract his election beyond the day when the writ is returnable, unless from very particlar circumstances. That argument, therefore, that bailiffs, at this rate, may protract the meeting of parliament to what period they please, must fall entirely to the ground. The House must judge of his reasons, must hear them, must examine them, and if they are insufficient, must correct and punish him, if he be worthy of punishment; but if proof be given, that, owing to peculiar circumstances, it was impossible for him to fulfil his oath, and to judge who had the majority of legal votes, I say, then the law and the constitution permit that he should prosecute what he has begun without a new writ, and take those measures which are absolutely necessary to form his judgment.

In order to examine more particularly what is the law of the case, we can only ask ourselves, how it stands when similar circumstances occur in the execution of other writs. In the nature of writs, it is agreed, there is no difference. Let us examine, then, the analogy of law upon the subject, and I hope, Sir, I shall not be thought pedantic, if I should allude somewhat technically to a profession which I once had the honour of belonging to, in order to prove distinctly what is the law upon this point. A very learned gentleman near me (the Master of the Rolls) has told you that in many instances the court allows an extension of time, in cases where some proceedings have been had upon the writ, but where every thing is not perfected by the day when the writ is returnable. Now, Sir, to bring this point of law more directly into the cognizance of the House, I will state a case: a writ is issued to the sheriff (in an action of debt) called a *capias ad satisfaciendum*, ordering him to seize the goods of A, and this is followed by another, called a *vendutioni exponas*, and is returnable by a certain

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day; the sheriff, in prosecution of his writ, seizes the goods, in order to put them up to sale. But we will suppose, that in taking these goods of A, as he is commanded by the writ, the sheriff, through mistake and confusion, lays hold of some goods of B, which are mixed with them, and he has not time to separate the goods of A, which are all he must take, and to put them up to sale before the writ is returnable. What does the sheriff do in this case? Why, Sir, he reports the particular circumstances which prevent his returning the writ to the court, and the court then allows him to go and examine into the goods, or, in other words, they grant a scrutiny upon the circumstances laid before them, not issuing any new writ, but allowing only an extension of the old one. Now, Sir, let the House alter the word sheriff to bailiff, and for dead goods read living, and this is the very case before you.

But if this which I have stated be true, if it be law, if it be the fact in the courts below, arguing as I have a right to argue upon the analogy of the law in every new case, I do implore the House to consider the absolute illegality of our interfering in the office of bailiff, and directing him either to return lord Hood and Mr. Fox, as was once desired of us, or the illegality even of forcing him to return any two members before those measures are taken which it is absolutely necessary to take, and which the law therefore enjoins him to take, in order to make his return.

Some gentlemen have talked of the peculiar jealousy of our constituents on matters of election; but, Sir, theirs has never been a jealousy lest this House should be supine in watching its own privileges. The jealousy of the people has always justly been, lest this House should assume privileges of electing members, or of directing their election, which is not for us to do. What was the case of the Middlesex election? Was it not that the House of Commons determined, by their own authority, to impose on the people a representative who was not the object of their choice? God forbid that this House should again impose on the people any man who is not the object of their choice! But elections without doors take their legal course. It is our office to punish corrupt or partial returning officers; it is our office to issue new writs; it is our office ultimately to decide election contests; but it is not within the scope of our privileges to direct the bailiffs whom to return, nor to order them, as if they were servants or officers of ours, to make returns in what manner and at what time we please. The right hon. gentleman indeed might, with some degree of consistency, propose to the House the assumption of new privileges in matters of election; for, in the case of the Middlesex election, we know that he was the champion of this House against the rights of the people; and it is singular enough that the only two points in which the right hon. gentleman and the noble lord for a series of years agreed, were in their decision of the Middlesex election, which is now so deservedly execrated, and in their execration of Mr. Grenville's Bill, which is now so deservedly applauded.

Sir, it has been hinted to the House, that some new law to regulate Westminster elections will be proposed: and the right hon. gentleman, with a degree of ingenuity that is characteristic, immediately exclaims, that we find it necessary to introduce a new law, in order to prevent future parliaments from adopting the bad precedent we have set them. That a new law is wanted on the subject of elections in Westminster, is surely what nobody can deny; but my opinion is, that until a new law is introduced, it is better to decide according to the laws existing, than to anticipate new laws, or to pass the bounds of our privileges. I am aware of the difficulties we are all reduced to, in so unheard-of a case as the present; for this House to order a bailiff whom to return, is impossible; neither is it possible for us to punish a bailiff, or even to forbid him from doing that which is absolutely necessary to the forming a reasonable judgment, which is not contrary to law, and in which the analogies of law, when the circumstances are compared, completely justify him.

Mr. *Sheridan* said, he hoped the House was not unreasonable enough to expect him to reply to the reasoning or argument of the speech they had just heard; in which, from the beginning to the end, he defied the most discerning man in that auditory to discover one syllable of argument or reason. If government could be vindicated by an avowal of its interposition in the Westminster election, it was certainly vindicated—If the high bailiff could be justified from the circumstance of his right hon. friend's giving a vote upon the Middlesex election in 1768 (at

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a time of life when the learned Master of the Rolls tells the House that his right hon. friend was disqualified from exercising the rights of a member of parliament by minority) the high bailiff is certainly justified—If the impression made by his right hon. friend's speech could be effaced by hard words and lofty sounds, its effects would be to the full as slight and trifling even as the effect of the right hon. gentleman's own speech—If severity of epithet, if redundancy of egotism, if pomp of panegyric upon administration, could refute the arguments of the most convincing speech (Mr. Fox's) he had ever the good fortune to hear, undoubtedly it was very completely refuted. But, if the people of England looked for the defence of the high bailiff of Westminster, and of his Majesty's ministers (who were in this case synonymous) upon principles of law, justice, good sense, or equity, beyond all doubt they were disappointed. He said, the idea that no harm would ensue from establishing the precedent that would grow out of the decision of the House, if the high bailiff were ordered to continue the scrutiny, was the weakest he had ever heard suggested. To say that the high bailiff's reasons, whenever he did not obey the sheriff's precept, and punish him, if he did not assign very good reasons for his conduct, afforded but little satisfaction: was it to be supposed, if the high bailiff was advised by the friends of the court to make an historical return while acting without doors, and followed that advice, that he would not find friends of the court enow within doors to save him harmless, and protect him from punishment, when he came to the bar to answer for what he had done? Mr. Sheridan complained of Mr. Pitt's having used his right hon. friend unhandsomely, in talking of a candidate, whose political conduct and principles had rendered him detestable to the people. Such language might be allowable in the mouth of a new member, just come from his constituents, who had filled his ears with expressions of that gross and vulgar nature; but from the right hon. gentleman, who must know that nothing but the heat and passion of the times could excuse such phrases being used by any gentleman, it surely was highly unjustifiable. Besides, the right hon. gentleman, he was persuaded, was not sincere in his words; he must have both a personal and a political confidence in his right hon. friend, or he must either be insincere in what he had said then, or in what he had said on a former occasion. Let the House recollect that the right hon. gentleman had courted a union with his right hon. friend a few months since, and had professed himself extremely desirous of effecting such a junction. He was aware the right hon. gentleman had put his case hypothetically, but he had done it so pointedly, that every person must have known who he meant. Mr. Sheridan concluded with this observation: "If the high bailiff of Westminster were of another complexion, and valued his character beyond the corrupt indemnity which arose from the support of a violent government, I should have considered his situation as most lamentable and wretched; but speaking of him merely as he is, the speech of the right hon. gentleman (Mr. Pitt) aggravates his conduct in a tenfold degree, as it shews that the great abilities of that right hon. gentleman were exerted for near an hour and a half in favour of the high bailiff; and that, so far from exculpating him, a fair construction of all that he said absolutely established the bailiff's guilt."

Mr. *Pitt* said, he never used the words alluded to; that he had put a supposed case, and the hon. gentleman might apply it to whom he pleased; but to save him the trouble, he would in two words put a real case. It was true, that he had some few months since professed himself willing to unite with the right hon. gentleman opposite to him, and he was at that time sincerely desirous of effecting that union, in order to put an end to the distracted state of the country. But he declared he had courted that union, with a desire to establish it on a system that had a view to enable him effectually to counteract those principles of the right hon. gentleman that had become obnoxious to the people and had excited their detestation.

The House divided:

Tellers.

Yeas	Lord Maitland - - - Mr. Sheridan - - - -	117
Noes	Lord Mulgrave - - - Mr. Robert Smith - -	195

As soon as the House was resumed, lord Mulgrave rose, and after a short speech, moved, "That the high bailiff of the city of Westminster do proceed in the scrutiny for the said city with all practicable dispatch."

Mr. *Fox* opposed this strenuously, as a

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motion that the House was not bound to come to, and as a question that called necessarily for a considerable share of discussion before gentlemen could possibly make up their minds upon it, so as to decide whether it ought to pass or not. If he should not take any step in the scrutiny, but protest against its illegality, which was probable, he might incur a contempt of the orders of the House; but the glaring evil of the motion was, that the House should step between him and justice against the high bailiff in the courts below.

Mr. *Lee* also much doubted the legality of the House coming to such decision, since it was interfering, by one of their orders, with the duty of the high bailiff, who acted under a different authority. He concluded with moving, "That the House do now adjourn."

Mr. *Fox* seconded this motion, and called upon his friends for support in opposing the original motion.

Sir *T. Davenport* deprecated the original motion. He said either the high bailiff possessed a legal authority for his conduct as a returning officer, or he did not. If he was vested with a legal authority, he ought to be left in the undisturbed exercise of it.

The *Solicitor General* said, the whole amount of the original motion was nothing more than an instruction from the chair to expedite the business of the scrutiny.

Mr. *Burke* rose to reprobate the conduct of the House, which he complained of as strangely inconsistent. It reminded him of the caprice of a female, who was obliging to different gentlemen over night, and forgot on whom she had bestowed her favours next morning. In like manner, the House had spent a whole day and night in establishing the doctrine, that the high bailiff possessed a discretion, and now they were going to vote a resolution to put an end to that discretion completely. The strength of this contradictory conduct excited the indignation of Mr. Burke, and betrayed him into a tone of expression which gave some displeasure to the Treasury-bench, who said something that Mr. Burke did not relish, as he sat down with saying, "he little minded the ill treatment of a parcel of boys." This occasioned a call to order. Upon which

Mr. *Dundas* rose, and calmed the rising storm, by an appeal to Mr. Burke's good sense, whether a new parliament could be expected to bear abuse with patience, or to endure their being called a parcel of boys?

Mr. *Burke* apologised for his vehemence, declaring that he felt the utmost respect for the House; that he knew every thing depended on the British House of Commons, and he was ready to bow down to any censure the House might think proper to bestow on him; but that when he used the term, 'a parcel of boys,' he meant to apply it to the ministry, who, he conceived, were insulting him with their triumph; a triumph which grey hairs ought to be allowed the privilege of expressing displeasure at, when it was founded on the rash exultation of mere boys.

The House divided on the question of adjournment: Yeas, 90; Noes, 178. The main question was then put, and carried.

The high bailiff was then called in, and the Speaker acquainted him with the said resolution.

Mr. Burke's Motion for a Representation to the King respecting the Speech from the Throne at the Opening of the Session, and the Address of the House thereon.] May 31. Mr. *Burke* rose and said, he wished to offer a few words upon a subject well worthy the attention of the House. The parliament had been assembled under circumstances so new and extraordinary, that if ever there was a time when it behoved men to look about them, and consider themselves and their characters, this was the time. It was highly necessary that they should know precisely the nature of the ground they trod, and the sort of law that was to govern their future conduct within those walls. His Majesty's Speech from the throne at the opening of the session, and the Address voted upon it, although couched in pretty general terms, and holding a language far from objectionable in the abstract, involved a variety of weighty and important matters, that called for as serious and deliberate a discussion as any subjects that ever had been submitted to the consideration of any parliament. Meaning, therefore, at some future day, to bring them before the House, in such a manner as should challenge their maturest attention, he rose then in fairness and candour to declare that such was his design, in order that gentlemen might have sufficient time to consider the topics touched upon in his Majesty's Speech, and to weigh their import and tendency with that degree

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of examination and reflection that their magnitude merited. The points which the Speech and the Address of the House principally held out, were three: the first, the dissolution of the late parliament, for which the House had thanked his Majesty. Undoubtedly, to dissolve a parliament was a legal exercise of the prerogative, and *primâ facie* a right thing. It was, therefore, proper to thank his Majesty for doing what appeared *primâ facie* to be right; but there might be circumstances (he was not then saying that there were, because that was not the fit moment for the discussion) which might prove, that what was *primâ facie* right, was altogether unjustifiable, and a most violent and unwarrantable exercise of power as ever was put in practice. The second point the Speech and Address went to, was the mention of what had been done in relation to the East India Company; and this commemoration carried along with it a strong insinuation, that something unconstitutional had been attempted on that head in the last parliament. This commemoration, therefore, was 'commemoratio quasi expro-'batio,' and called for consideration and inquiry, since it regarded the conduct of parliaments in general, and it being highly necessary that the House should know how far they might safely proceed in future respecting the sort of bills that might or might not be introduced without subjecting a House of Commons to the reprehension of having acted unconstitutionally. Bills and proceedings might, he observed, be instituted and held in progress, which, as bills and proceedings merely, might be liable to the imputation of being unconstitutional, because it was the completion they received, and the sanction and fiat of the whole legislature, that changed them from bills and proceedings to acts of parliament, and made them constitutional; it was, therefore, a very nice question how they could proceed safely, to avoid the reprehension of having acted unconstitutionally, in respect to their bills; because, as the matter stood, unexplained and obscure, every bill they passed that did receive the sanction and support of either of the other branches of the legislature, might subject that House to the imputation of having acted unconstitutionally. The third great point in the Speech was to be found at the conclusion, where it was recommended to the House to take especial care to guard and preserve the constitutional balance of King, Lords, and Commons. This part of the Speech, Mr. Burke observed, was likewise commemorative, and seemed to convey an idea, that the last parliament had not preserved the constitutional balance alluded to; it became, therefore, highly necessary that the charge should be examined, in order, if there was guilt in the last parliament, that the degree of it should be ascertained. Upon these considerations it was, that he meant to bring forward some proposition on the subject, and he had taken that opportunity of making the few observations he had offered to the House, from a principle of candour and fairness; with the double view of apprizing gentlemen fully of his intention, and of affording them time to revolve the subject in their minds previous to his bringing it under discussion. Mr. Burke concluded with giving notice that he should make a proposition upon the King's Speech and Address next Wednesday se'nnight.

Mr. *Pitt* said, it was certainly extremely fair in the hon. gentleman to give notice of his intention to make some proposition upon the Speech and the Address next week, but perhaps, as the hon. gentleman had declared he did it with a view to enable the House to make themselves equal to the task of discussing the subject properly when it should be brought before them, his purpose would have been better answered, had he signified what sort of a proposition he had in contemplation. He had listened to the hon. gentleman with all possible attention, and he was wholly at a loss to know to what his notice pointed. All that he had been able to collect was, that his Majesty's Speech at the opening of the session, and the Address of the House in answer to it, turned on three important circumstances; namely, the dissolution of the late parliament, the situation of the East India Company's affairs, and the necessity for strictly and religiously preserving that balance which the constitution designed should be preserved, with regard to the three distinct branches of the legislature. Perhaps it might be the opinion of most gentlemen, as he owned it was his opinion, that the proper time for making any remarks on the King's Speech was past, because the fittest moment for such remarks being offered, appeared to him to have been that moment when an Address was moved upon the Speech, and was under the discussion of the House: at any rate, he

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thought the hon. gentleman ought to carry his candour and his fairness at least one step farther, and to let the House know what it was he really intended to propose, and on which he had declared himself anxious that gentlemen should make up their minds.

Mr. *Burke* in reply, complained of what Mr. Pitt had said as a sneer at his insignificance. He remarked, that whenever men were more than ordinarily candid, they were sure to subject themselves to inconvenience. This was his case at present. He begged leave therefore to observe, that however the right hon. gentleman might enjoy the advantage of the opportunity for a personal reprehension which he had afforded him, that the importance of the considerations he meant to bring forward would sufficiently apologize for the want of importance in the individual who presumed to introduce them to the notice of the House. When they were under discussion, the right hon. gentleman might be assured, that the mover of them would wholly disappear and be lost in their superior consideration. With regard to explaining his meaning more fully, so far from its appearing to him to be necessary, he was persuaded that he had been induced, from a principle of candour, to go farther into the subject, and to open it much more than usually was done on similar occasions.

June 14. In pursuance of the above notice,

Mr. *Burke* rose to make his promised motion. He began by saying, that he had undertaken a task to which he knew his abilities were not equal; but in so doing, he felt that he differed not from the rest of mankind, who seeing an occasion for a great exertion of humanity, followed the impulse of their feelings, without being deterred by the consideration, that their exertion would be to no purpose. He declared that in what he was about to do he acted solely from himself, without having consulted any man upon earth: the question therefore that he intended to propose, ought not to be considered as a party question; it was exclusively his own; and there would be no cause for triumph if it should be rejected, as it was the measure of an inconsiderable individual; and as he was resolved to conform to the sense of the House, he would not call for a division, if he should find his proposition was not universally approved.

At this time of day, he observed, the question might not appear of very great consequence to some gentlemen; but to him it appeared to be of so great a magnitude, that it occupied his whole mind; and he was not ashamed to say that his soul was full of it: a parliament had been sentenced, condemned, and executed, and no notice had yet been taken of so great and extraordinary an event! If the meanest subject in the land had died suddenly, or by violent means, an inquest would have taken cognizance of the case, and inquired into the causes of his death; but the parliament of Great Britain has been put to a violent death, and no coroner had yet held an inquest on the body! No inquiry had been made whether it had been *felo de se*, or *jure cæsus!* Did the people, then, think the sudden death of parliament was a subject too trifling for inquiry? Or did they think that all which might have been apprehended from such a death, had perished with the parliament? He feared, alas, that the fatal consequence of it would long survive it, and be entailed on future parliaments.

Much had been said of the sense of the people as the grounds on which ministers might rest their defence of the late dissolution; and on this head he was ready to confess that the sense of the people, however erroneous at times, must always govern the legislature of this country; but it was difficult to collect that sense, and it was sometimes the duty of the better informed and more enlightened part of the community to resist the sense of the people, when it appeared that the people were deceived or misled. For his part, he did not think that the wiser part of the public approved of the dissolution of the late parliament, or disapproved of the measures which avowedly were the occasion of that event: the people, in his opinion, might be divided into three classes, one composed of persons who, dazzled with the lustre of the crown, could never bring themselves to think that government might be in the wrong; they were the political high-flyers, who made it a point to support the crown *à tort et à travers:* this class, he said, was very numerous; and in it, he was sorry to add, were to be found many very respectable characters. In the second class he placed those who, though sworn enemies to the crown, were ever ready to fall upon the House of Commons, because they conceived that House to be the constitutional guardians and defenders

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of that species of monarchy which in this country had ever been thought necessary for the well-being of government. These two bodies of men, he said, generally united in running down the House of Commons, though with the most opposite views. The third class consisted of all those persons who did not enter into the other two; they were the moderate and impartial, who, alike friends to the crown and to the democratic part of the constitution, wished to maintain both in the full enjoyment of their respective prerogatives and privileges. Of these, he would not hesitate to say, full three-fourths went heart and hand with the late House of Commons; the other fourth part, he believed, had been driven by misrepresentations into a confederacy with two classes of men whose principles they equally detested, the lovers of absolute monarchy and the sworn enemies of every species of monarchy. He trusted, indeed, that many of them had lately been undeceived; it was the duty of the House of Commons to warn the remainder of the dangers to which they exposed their liberties, through the delusion under which they acted.

He feared there was a settled plan to destroy, not the form, but the essence and efficacy of the House of Commons. Doctrines big with danger to the constitution had been broached within the two last years, first by the noble lord who was at the head of the administration before the last (the earl of Shelburne), and lately revived by the minister who had received his political education at the feet of that Gamaliel. In a speech from the throne, at the opening of the session before the last, the King was made to say by that minister, that the people expected unanimous exertions on the part of the House: this assumption of the tribunitian power by the sovereign was truly alarming. When Augustus Cæsar modestly consented to become the tribune of the people, Rome gave up into the hands of that prince the only remaining shield she had to protect her liberty. The tribunitian power in this country, as in ancient Rome, was wisely kept distinct and separate from the executive power: in this government it was constitutionally lodged where it ought naturally to be lodged, in the House of Commons; and to that House the people ought first to carry their complaints, even when they were directed against the measures of the House itself: but now the people were taught to pass by the door of the House of Commons and supplicate the throne for the protection of their liberties; hence the dissolution of the late parliament pretendedly in obedience to the sense of the people; from addresses the sense of the people had been collected, and not from the House of Commons. But he warned the people to beware of this double House of Commons, which ministers were erecting on the foundation of their delusion—the Commons of England in parliament assembled, and the Commons of England in corporation and county meetings dispersed: an artful minister would craftily play off the one after the other; he would make use of a pliant House of Commons to oppress the people; and he would make use of a deluded House of Commons, dispersed through the country, to awe a refractory or independent collected House of Commons. If the proceedings of the late parliament had been really disagreeable to the people, why had they not petitioned that House against those proceedings? If they had petitioned, and their prayers had been disregarded, or treated with contempt, then addresses to the throne for a dissolution of parliament would have been extremely proper: when public economy became the general wish of the people, petitions were presented not to the crown, but to the House of Commons; but means had been contrived of late so to delude the people, as to make them the very instruments of the degradation of that branch of the government, the destruction of which must necessarily be attended with the loss of their liberty.

The East India Bill had been made the specious pretext of the dissolution; it was represented as a violent attack upon the franchises of the people, an invasion of the royal prerogative, and a medium through which the late ministers intended to have have secured to themselves a power paramount to every power in the kingdom. In defence of that Bill, he said, that it did not appear reasonable that the proprietors of East India stock should in future retain in their hands a power which they had so grossly abused; by which they had plundered and rendered miserable many millions of persons who were under the protection of this nation; a power which had enabled them to enter into the most unjust and impolitic wars, the consequence of which brought very heavy expense upon this kingdom. As to the invasion of the royal prerogative, he was surprised to hear

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that brought as a charge laid at the door of the East India Bill. The power of making war, and of carrying it on, where and in what manner he pleased, was certainly one of the first and greatest prerogatives of the crown; and yet the late House of Commons not only addressed the King not to carry on the war on the continent of America, but went so far even as to vote that man an enemy to his country who should advise the carrying of it on, or who should assist in it; so that though sir Henry Clinton, for instance, was bound by the Mutiny Act to obey the King's orders, as captain general of the forces, and was even liable to be shot if he should refuse to obey them, still the resolutions of the House of Commons would attach upon him, and suspend the whole system of military subordination; and yet that resolution had been supported by the warmest friends of the present ministry, and by himself; and no one ever thought of making it a ground for the dissolution of the parliament. As to the patronage of the East India Company, which it was said ministry intended to make the means of rendering themselves paramount to the crown, he observed, that those who were at this moment in full possession of that patronage (the Company) were very far from being independent of the crown, so far from being paramount to it; and he could assure the House, on his conscience and on his honour, that the persons who were to have been at the head of the Company's affairs, had been busied in devising means by which they might have put it most effectually out of their own power to derive any emolument or parliamentary support from their situation: and he himself had made it a point to shut his ears to every application that had been made to him for his influence with those who were to have been in the direction of India affairs, under the Bill brought in by his right hon. friend. To the truth of this assertion he called God to be his witness; and he assured the House, that by his conduct on that occasion he had made himself many enemies, and not one friend.

But had his right hon. friend's Bill been as bad as some people had represented it to be, still he would maintain that the King could not, constitutionally speaking, assign the existence of such a Bill as the reason for his dissolving the parliament; for, in the first place, he ought not to have known that a Bill was in existence; and, in the next, the House had a right to entertain whatever bill it pleased, even if it were possible that it could be treasonable, or if it were even for lopping off a whole branch of the prerogative: a bill of exclusion had been entertained by parliament; and if the day should come when either a member of the House, or the whole House, should be made responsible for a part taken in any bill, on that day would the liberties of England expire. An attack might be made on the prerogative, by the House of Peers, and yet that would be no ground for a dissolution, as the Peers of the new parliament would be precisely the same who attacked the prerogatives in the last. This was a time which called upon the House to oppose doctrines which seemed to be gaining ground: a noble earl (Shelburne) had often mentioned the balance of the different branches of the constitution; but for his part he reprobated the idea; this was not a government of balances: and a noble duke (Richmond) in his letter to the volunteers of Ireland, had positively rejected the idea of a balance; for he would not allow the King a negative on the acts of both Houses, as it would be strange indeed (observed his grace) that one man should have it in his power, by his negative, to counteract the wisdom of the Lords and Commons, or, in other words, of the whole nation. This observation, Mr. Burke said, might as well be applied to the House of Lords; for it would be a strange thing if 200 peers should have it in their power to defeat by their negative what had been done by the people of England. He concluded by observing, that if the measures of the late parliament were unconstitutional, they ought to be condemned and censured; if, on the other hand, they were strictly constitutional, it was the more incumbent on the present House to defend and maintain them, as the last House was said to have been put to death for having supported them. Mr. Burke then moved,

"That a Representation* be presented

* The above Representation, together with the Notes, was published by Mr. Burke, in the shape of a pamphlet, to which was prefixed the following

PREFACE:

"The Representation now given to the public relates to some of the most essential privileges of the House of Commons. It would appear of little importance, if it were to be judged by its reception in the place

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to his Majesty, most humbly to offer to his royal consideration, that the Address of this House, upon his Majesty's Speech from the throne, was dictated solely by our conviction of his Majesty's own most gracious intentions towards his people, which, as we feel with gratitude, so we are ever ready to acknowledge with cheerfulness and satisfaction.

"Impressed with these sentiments, we were willing to separate from our general expressions of duty, respect, and veneration to his Majesty's royal person and his princely virtues, all discussion whatever, with relation to several of the matters suggested, and several of the expressions employed in that Speech.

"That it was not fit or becoming that any decided opinion should be formed by his faithful Commons on that Speech, without a degree of deliberation adequate

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where it was proposed. There it was rejected without debate. The subject matter may, perhaps, hereafter appear to merit a more serious consideration. Thinking men will scarcely regard the penal dissolution of a parliament as a very trifling concern. Such a dissolution must operate forcibly as an example; and it much imports the people of this kingdom to consider what lesson that example is to teach.

"The late House of Commons was not accused of an interested compliance to the will of a court. The charge against them was of a different nature. They were charged with being actuated by an extravagant spirit of independency. This species of offence is so closely connected with merit; this vice bears so near a resemblance to virtue; that the flight of a House of Commons above the exact temperate medium of independence ought to be correctly ascertained, lest we give encouragement to dispositions of a less generous nature, and less safe for the people; we ought to call for very solid and convincing proofs of the existence, and of the magnitude too of the evils, which are charged to an independent spirit, before we give sanction to any measure, that by checking a spirit so easily damped, and so hard to be excited, may affect the liberty of a part of our constitution, which, if not free, is worse than useless.

"The editor does not deny, that by possibility such an abuse may exist: but *primâ fronte*, there is no reason to presume it. The House of Commons is not, by its complexion, peculiarly subject to the distempers of an independent habit. Very little compulsion is necessary, on the part of the people, to render it abundantly complaisant to ministers and favourites of all descriptions. It required a great length of time, very considerable industry and perseverance, no vulgar policy, the union of many men and many tempers, and the concurrence of events which do not happen every day, to build up an independent House of Commons. Its demolition was accomplished in a moment; and it was the work of ordinary hands. But to construct is a matter of skill; to demolish, force and fury are sufficient.

"The late House of Commons has been punished for its independence. That example is made. Have we an example on record, of a House of Commons punished for its servility? The rewards of a senate so disposed are manifest to the world. Several gentlemen are very desirous of altering the constitution of the House of Commons: but they must alter the frame and constitution of human nature itself, before they can so fashion it by any mode of election, that its conduct will not be influenced by reward and punishment, by fame and by disgrace. If these examples take root in the minds of men, what members hereafter will be bold enough not to be corrupt? Especially as the King's high-way of obsequiousness is so very broad and easy. To make a passive member of parliament, no dignity of mind, no principles of honour, no resolution, no ability, no industry, no learning, no experience are in the least degree necessary. To defend a post of importance against a powerful enemy, requires an Elliot; a drunken invalid is qualified to hoist a white flag, or to deliver up the keys of the fortress on his knees.

"The gentlemen chosen into this parliament, for the purpose of this surrender, were bred to better things; and are no doubt qualified for other service. But for this strenuous exertion of inactivity, for the vigorous task of submission and passive obedience, all their learning and ability are rather a matter of personal ornament to themselves, than of the least use in the performance of their duty.

"The present surrender, therefore, of rights and privileges, without examination, and the resolution to support any minister given by the secret advisers of the crown, determines not only on all the power and authority of the House, but it settles the character and description of the men who are to compose it; and perpetuates that character as long as it may be thought expedient to keep up a phantom of popular representation.

"It is for the chance of some amendment before this new settlement takes a permanent form, and while the matter is yet soft and ductile, that the editor has republished this piece, and added some notes and explanations to it. His intentions, he hopes, will excuse him to the original mover, and to the world. He acts from a strong sense of the incurable ill effects of holding out the conduct of the late House of Commons as an example to be shunned by future representatives of the people."

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to the importance of the object. Having afforded ourselves due time for that deliberation, we do now most humbly beg leave to represent to his Majesty, that, in the Speech from the throne, his ministers have thought proper to use a language of a very alarming import, unauthorized by the practice of good times, and irreconcileable to the principles of this government.

"Humbly to express to his Majesty, that it is the privilege and duty of this House to guard the constitution from all infringement on the part of ministers; and whenever the occasion requires it, to warn them against any abuse of the authorities committed to them: but it is very lately* that in a manner not more unseemly than irregular and preposterous, ministers have thought proper, by admonition from the throne, implying distrust and reproach, to convey the expectations of the people to us, their sole representatives;† and have presumed to caution us, the natural guardians of the constitution, against any infringement of it on our parts. This dangerous innovation we, his faithful Commons, think it our duty to mark; and as these admonitions from the throne, by their frequent repetition, seem intended to lead gradually to the establishment of an usage, we hold ourselves bound thus solemnly to protest against them.

"This House will be, as it ever ought to be, anxiously attentive to the inclinations and interests of its constituents: nor do we desire to straiten any of the avenues to the throne, or to either House of Parliament. But the ancient order, in which the rights of the people have been exercised, is not a restriction of these rights. It is a method providently framed in favour of those privileges, which it preserves and enforces by keeping in that course which has been found the most effectual for answering their ends. His Majesty may receive the opinions and wishes of individuals under their signatures, and of bodies corporate under their seals, as expressing their own particular sense; and he may grant such redress as the legal powers of the crown enable the crown to afford. This, and the other House of Parliament, may also receive the wishes of such corporations and individuals by petition. The collective sense of his people his Majesty is to receive from his Commons in parliament assembled. It would destroy the whole spirit of the constitution, if his Commons were to receive that sense from the ministers of the crown, or to admit them to be a proper or a regular channel for conveying it.

"That the ministers in the said Speech declare, 'his Majesty has a just and confident reliance, that we (his faithful Commons) are animated with the same sentiments of loyalty, and the same attachment to our excellent constitution, which he had the happiness to see so fully manifested in every part of the kingdom.'

"To represent, that his faithful Commons have never failed in loyalty to his Majesty. It is new to them to be reminded of it. It is unnecessary and invidious to press it upon them by any example. This recommendation of loyalty, after his Majesty has sat for so many years, with the full support of all descriptions of his subjects, on the throne of this kingdom, at a time of profound peace, and without any pretence of the existence or apprehension of war or conspiracy, becomes in itself a source of no small jealousy to his faithful Commons; as many circumstances lead us to apprehend that therein the ministers have reference to some other measures and principles of loyalty, and to some other ideas of the constitution, than the laws require, or the practice of parliament will admit.

"No regular communication of the proofs of loyalty and attachment to the constitution, alluded to in the Speech from the throne, have been laid before this House, in order to enable us to judge of the nature, tendency, or occasion of them, or in what particular acts they were displayed; but if we are to suppose the manifestations of loyalty (which are held out to us as an example for imitation) consist in certain addresses delivered to his Majesty, promising support to his Majesty in the exercise of his prerogative, and thanking his Majesty for removing certain of his ministers, on account of the votes they have given upon bills depending in parliament,—if this be the example of loyalty alluded to in the Speech from the

* See King's Speech, Dec. 5. 1782, and May 19, 1784.

† "I will never submit to the doctrines I have heard this day from the woolsack, that the other House" [House of Commons] "are the only representatives and guardians of the people's rights. I boldly maintain the contrary. I say, this House" [House of Lords] "is equally the representatives of the people." The earl of Shelburne's Speech, April 8, 1778. See Vol. XIX. p. 1048.

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throne, then we must beg leave to express our serious concern for the impression which has been made on any of our fellow-subjects by misrepresentations, which have seduced them into a seeming approbation of proceedings subversive of their own freedom. We conceive, that the opinions delivered in these papers were not well considered; nor were the parties duly informed of the nature of the matters on which they were called to determine, nor of those proceedings of parliament which they were led to censure.

"We shall act more advisedly. The loyalty we shall manifest will not be the same with theirs; but, we trust, it will be equally sincere, and more enlightened. It is no slight authority which shall persuade us (by receiving as proofs of loyalty the mistaken principles lightly taken up in these addresses) obliquely to criminate, with the heavy and ungrounded charge of disloyalty and disaffection, an uncorrupt, independent, and reforming parliament.* Above all, we shall take care that none of the rights and privileges, always claimed, and since the accession of his Majesty's illustrious family constantly exercised by this House (and which we hold and exercise in trust for the Commons of Great Britain, and for their benefit) shall be constructively surrendered, or even weakened and impaired under ambiguous phrases, and implications of censure on the late parliamentary proceedings. If these claims are not well-founded, they ought to be honestly abandoned; if they are just, they ought to be steadily and resolutely maintained.

"Of his Majesty's own gracious disposition towards the true principles of our free constitution, his faithful Commons never did, or could entertain a doubt: but we humbly beg leave to express to his Majesty our uneasiness concerning other new and unusual expressions of his ministers, declaratory of a resolution 'to support in their just balance, the rights and 'privileges of every branch of the legislature.'

"It were desirable that all hazardous theories concerning a balance of rights and privileges (a mode of expression wholly foreign to parliamentary usage) might have been forborne. His Majesty's faithful Commons are well instructed in their own rights and privileges, which they are determined to maintain on the footing upon which they were handed down from their ancestors they are not unacquainted with the rights and privileges of the House of Peers, and they know and respect the lawful prerogatives of the crown; but they do not think it safe to admit any thing concerning the existence of a balance of those rights, privileges, and prerogatives; nor are they able to

* In that parliament the House of Commons by two several resolutions put an end to the American war. Immediately on the change of ministry which ensued, in order to secure their own independence and to prevent the accumulation of new burthens on the people by the growth of a civil list debt, they passed the Establishment Bill. By that Bill thirty-six offices tenable by members of parliament were suppressed; and an order of payment was framed, by which the growth of any fresh debt was rendered impracticable. The debt on the civil list from the beginning of the present reign had amounted to one million three hundred thousand pounds and upwards. Another Act was passed for regulating the office of the paymaster-general, and the offices subordinate to it. A million of public money had sometimes been in the hands of the paymasters: this Act prevented the possibility of any money whatsoever being accumulated in that office in future. The offices of the Exchequer, whose emoluments in time of war were excessive, and grew in exact proportion to the public burthens, were regulated; some of them suppressed, and the rest reduced to fixed salaries. To secure the freedom of election against the crown, a Bill was passed to disqualify all officers concerned in the collection of the revenue in any of its branches from voting in elections; a most important Act, not only with regard to its primary object, the freedom of election, but as materially forwarding the due collection of revenue. For the same end, (the preserving the freedom of election) the House rescinded the famous judgment relative to the Middlesex election, and expunged it from the Journals. On the principle of reformation of their own house, connected with a principle of public œconomy, an Act passed for rendering contractors with government incapable of a seat in parliament. The India Bill, (unfortunately lost in the House of Lords) pursued the same idea to its completion; and disabled all servants of the East India Company from a seat in that House for a certain time, and until their conduct was examined into and cleared. The remedy of infinite corruptions and of infinite disorders and oppressions, as well as the security of the most important objects of public œconomy, perished with that Bill and that parliament. That parliament also instituted a committee to inquire into the collection of the revenue in all its branches, which prosecuted its duty with great vigour; and suggested several material improvements.

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discern to what objects ministers would apply their fiction of balance, nor what they would consider as a just one. These unauthorized doctrines have a tendency to stir improper discussions, and to lead to mischievous innovations in the constitution.*

"That his faithful Commons most humbly recommend, instead of the inconsiderate speculations of unexperienced men, that on all occasions resort should be had to the happy practice of parliament, and to those solid maxims of government which have prevailed since the accession of his Majesty's illustrious family, as furnishing the only safe principles on which the crown and parliament can proceed.

"We think it the more necessary to be cautious on this head, as, in the last parliament, the present ministers had thought proper to countenance, if not to suggest, an attack upon the most clear and undoubted rights and privileges of this House.†

"Fearing, from these extraordinary admonitions, and from the new doctrines, which seem to have dictated several unusual expressions, that his Majesty has been abused by false representations of the late proceedings in parliament, we think it our duty respectfully to inform his Majesty, that no attempt whatever has been made against his lawful prerogatives, or against the rights and privileges of the peers, by the late House of Commons, in any of their addresses, votes, or resolutions: neither do we know of any proceeding by bill, in which it was proposed to abridge the extent of his royal prerogative: but, if such provision had existed in any bill, we protest, and we declare, against all speeches, acts or addresses, from any persons whatsoever, which have

* If these speculations are let loose, the House of Lords may quarrel with their share of the legislature, as being limited with regard to the origination of grants to the crown and the origination of money bills. The advisers of the crown may think proper to bring its negative into ordinary use; and even to dispute whether a mere negative, compared with the deliberative power exercised in the other Houses, be such a share in the legislature as to produce a due balance in favour of that branch; and thus justify the previous interference of the crown in the manner lately used. The following will serve to shew how much foundation there is for great caution concerning these novel speculations. Lord Shelburne, in his celebrated speech, April 8th, 1778, expresses himself as follows:

"The noble and learned lord on the woolsack, in the debate which opened the business of this day, asserted that your Lordships were incompetent to make any alteration in a money bill, or a bill of supply. I should be glad to see the matter fully and fairly discussed, and the subject brought forward and argued upon precedent, as well as its collateral relations. I should be pleased to see the question fairly committed, were it for no other reason but to hear the sleek smooth contractors from the other House come to this bar and declare, that they, and they only, could frame a money bill; and they, and they only, could dispose of the property of the peers of Great Britain. Perhaps some arguments more plausible than those I heard this day from the woolsack, to shew that the Commons have an uncontrollable, unqualified right, to bind your Lordship's property, may be urged by them. At present, I beg leave to differ from the noble and learned lord; for until the claim, after a solemn discussion of the House, is openly and directly relinquished, I shall continue to be of opinion, that your Lordships have a right to alter, amend, or reject a money bill." See Vol. xix. p. 1049.

The duke of Richmond also, in his letter to the volunteers of Ireland, speaks of several of the powers exercised by the House of Commons, in the light of usurpations; and his grace is of opinion, that when the people are restored to what he conceives to be their rights, in electing the House of Commons, the other branches of the legislature ought to be restored to theirs.

† By an act of parliament, the directors of the East India Company are restrained from acceptance of bills drawn from India, beyond a certain amount, without the consent of the commissioners of the Treasury. The late House of Commons finding bills to an immense amount drawn upon that body by their servants abroad, and knowing their circumstances to be exceedingly doubtful, came to a resolution providently cautioning the lords of the Treasury against the acceptance of these bills, until the House should otherwise direct. The court Lords then took occasion to declare against the resolution as illegal, by the Commons undertaking to direct in the execution of a trust created by act of parliament. The House justly alarmed at this resolution, which went to the destruction of the whole of its superintending capacity, and particularly in matters relative to its own province of money, directed a committee to search the Journals, and they found a regular series of precedents, commencing from the remotest of those records, and carried on to that day, by which it appeared that the House interfered by an authoritative advice and admonition, upon every act of executive government without exception, and in many much stronger cases than that which the Lords thought proper to quarrel with.

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a tendency to consider such bills, or the persons concerned in them, as just objects of any kind of censure and punishment from the throne. Necessary reformations may hereafter require, as they have frequently done in former times, limitations and abridgments, and in some cases an entire extinction of some branch of prerogative. If bills should be improper in the form in which they appear in the House where they originate, they are liable, by the wisdom of this constitution, to be corrected, and even to be totally set aside elsewhere. This is the known, the legal, and the safe remedy: but whatever, by the manifestation of the royal displeasure, tends to intimidate individual members from proposing, or this House from receiving, debating, and passing bills, tends to prevent even the beginning of every reformation in the state, and utterly destroys the deliberative capacity of parliament.—We therefore claim, demand, and insist upon it, as our undoubted right, that no persons shall be deemed proper objects of animadversion by the crown, in any mode whatever, for the votes which they give, or the propositions which they make in parliament.

"We humbly conceive, that besides its share of the legislative power and its right of impeachment, that by the law and usage of parliament this House has other powers and capacities, which it is bound to maintain. This House is assured, that our humble advice on the exercise of prerogative will be heard with the same attention with which it has ever been regarded, and that it will be followed by the same effects which it has ever produced, during the happy and glorious reigns of his Majesty's royal progenitors; not doubting but that, in all those points, we shall be considered as a council of wisdom and weight to advise, and not merely as an accuser of competence to criminate.* This House claims both capacities; and we trust that we shall be left to our free discretion which of them we shall employ as best calculated for his Majesty's and the national service.—Whenever we shall see it expedient to offer our advice concerning his Majesty's servants, who are those of the public, we confidently hope that the personal favour of any minister, or any set of ministers, will not be more dear to his Majesty than the credit and character of a House of Commons. It is an experiment full of peril to put the representative wisdom and justice of his Majesty's people in the wrong; it is a crooked and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation from the authority of the Commons of Great Britain in parliament assembled: it is a contrivance full of danger, for ministers to set up the representative and constituent bodies of the Commons of this kingdom as two separate and distinct powers, formed to counterpoise each other, leaving the preference in the hands of secret advisers of the crown. In such a situation of things, these advisers, taking advantage of the differences which may accidentally arise, or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purposes of their sinister ambition. By exciting an emulation and contest between the representative and the constituent bodies, as parties contending for credit and influence at the throne, sacrifices will be made by both; and the whole can end in nothing else than the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the people to the throne than that by the House of Commons, it ought to be fixed and defined, and its authority ought to be settled: it ought not to exist in so precarious and dependent a state as that ministers should have it in their power, at their own mere pleasure, to acknowledge it with respect, or to reject it with scorn.

"It is the undoubted prerogative of the crown to dissolve parliament; but we beg leave to lay before his Majesty, that it is, of all the trusts vested in his Majesty, the most critical and delicate, and that in which this House has the most reason to require, not only the good faith, but the favour of the crown. His Commons are not always upon a par with his ministers in an application to popular judgment: it is not in the power of the members of this House to go to their election at the moment the most favourable for them. It is in the power of the crown to chuse a time for their dissolution whilst great and ar-

* "I observe at the same time, that there is no charge or complaint suggested against my present ministers."—The King's Answer, 25th February, 1784, to the Address of the House of Commons. See p. 677 of the present Volume.

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duous matters of state and legislation are depending, which may be easily misunderstood, and which cannot be fully explained before that misunderstanding may prove fatal to the honour that belongs, and to the consideration that is due to members of parliament.

"With his Majesty is the gift of all the rewards, the honours, distinctions, favour, and graces of the state; with his Majesty is the mitigation of all the rigours of the law; and we rejoice to see the crown possessed of trusts calculated to obtain good-will, and charged with duties which are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature; and justice and safety is all we can expect in the exercise of them. We are to offer salutary, which is not always pleasing, counsel: we are to inquire and to accuse; and the objects of our inquiry and charge will be for the most part persons of wealth, power, and extensive connexions: we are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action, or restrain some function, which before was free: what is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the House of Commons is seen and felt in every burthen that presses on the people. Whilst ultimately we are serving them, and in the first instance whilst we are serving his Majesty, it will be hard, indeed, if we should see a House of Commons the victim of its zeal and fidelity, sacrificed by his ministers to those very popular discontents which shall be excited by our dutiful endeavours for the security and greatness of his throne. No other consequence can result from such an example, but that, in future, the House of Commons, consulting its safety at the expense of its duties, and suffering the whole energy of the state to be relaxed, will shrink from every service, which, however necessary, is of a great and arduous nature; or that, willing to provide for the public necessities, and, at the same time, to secure the means of performing that task, they will exchange independence for protection, and will court a subservient existence through the favour of those ministers of state, or those secret advisers, who ought themselves to stand in awe of the Commons of this realm.

"A House of Commons, respected by his ministers, is essential to his Majesty's service: it is fit that they should yield to parliament, and not that parliament should be new modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his Majesty's advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of administration; and will lose that independent character which, inseparably connecting the honour and reputation with the acts of this House, enables us to afford a real, effective, and substantial support to his government. It is the deference shewn to our opinion, when we dissent from the servants of the crown, which alone can give authority to the proceedings of this House, when it concurs with their measures.

"That authority once lost, the credit of his Majesty's crown will be impaired in the eyes of all nations. Foreign powers, who may yet wish to revive a friendly intercourse with this nation, will look in vain for that hold which gave a connexion with Great Britain the preference to an alliance with any other state. A House of Commons, of which ministers were known to stand in awe, where every thing was necessarily discussed on principles fit to be openly and publicly avowed, and which could not be retracted or varied without danger, furnished a ground of confidence in the public faith, which the engagement of no state dependent on the fluctuation of personal favour and private advice can ever pretend to. If faith with the House of Commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain, which will not easily be healed.

"That there was a great variance between the late House of Commons and certain persons, whom his Majesty has been advised to make and continue as ministers, in defiance of the advice of that House, is notorious to the world. That House did not confide in those ministers: and they withheld their confidence from them for reasons for which posterity will honour and respect the names of those who composed that House of Commons, distinguished for its independence. They could not confide in persons who have shewn a disposition to dark and dangerous intrigues. By these intrigues they have weakened, if not destroyed, the clear assurance which his Majesty's people, and which all nations ought to have, of what

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are, and what are not, the real acts of his government.

"If it should be seen that his ministers may continue in their offices, without any signification to them of his Majesty's displeasure at any of their measures, whilst persons considerable for their rank, and known to have had access to his Majesty's sacred person, can with impunity abuse that advantage, and employ his Majesty's name to disavow and counteract the proceedings of his official servants, nothing but distrust, discord, debility, contempt of all authority, and general confusion, can prevail in his government.

"This we lay before his Majesty, with humility and concern, as the inevitable effect of a spirit of intrigue in his executive government; an evil which we have but too much reason to be persuaded exists and increases. During the course of the last session it broke out in a manner the most alarming. This evil was infinitely aggravated by the unauthorized, but not disavowed use which has been made of his Majesty's name, for the purpose of the most unconstitutional, corrupt, and dishonourable influence on the minds of the members of parliament that ever was practised in this kingdom. No attention, even to the exterior decorum, in the practice of corruption and intimidation employed on peers, was observed: several peers were obliged under menaces to retract their declaration, and to recal their proxies.

"The Commons have the deepest interest in the purity and integrity of the peerage. The peers dispose of all the property in the kingdom, in the last resort; and they dispose of it on their honour and not on their oaths, as all the members of every other tribunal in the kingdom must do; though in them the proceeding is not conclusive. We have, therefore, a right to demand that no application shall be made to peers of such a nature as may give room to call in question, much less to attaint, our sole security for all that we possess. This corrupt proceeding appeared to the House of Commons, who are the natural guardians of the purity of parliament, and of the purity of every branch of judicature, a most reprehensible and dangerous practice, tending to shake the very foundation of the authority of the House of Peers; and they branded it as such by their resolution.

"The House had not sufficient evidence to enable them legally to punish this practice, but they had enough to caution them against all confidence in the authors and abettors of it. They performed their duty in humbly advising his Majesty against the employment of such ministers; but his Majesty was advised to keep those ministers, and to dissolve that parliament. The House, aware of the importance and urgency of its duty with regard to the British interests in India, which were and are in the utmost disorder, and in the utmost peril, most humbly requested his Majesty not to dissolve the parliament during the course of their very critical proceedings on that subject. His Majesty's gracious condescension to that request was conveyed in the royal faith, pledged to a House of parliament, and solemnly delivered from the throne. It was but a very few days after a committee had been, with the consent and concurrence of the Chancellor of the Exchequer, appointed for an inquiry into certain accounts delivered to the House by the court of directors, and then actually engaged in that inquiry, that the ministers, regardless of the assurance given from the crown to a House of Commons, did dissolve that parliament. We most humbly submit to his Majesty's consideration the consequences of this their breach of public faith.—Whilst the members of the House of Commons, under that security, were engaged in his Majesty's and the national business, endeavours were industriously used to calumniate those whom it was found impracticable to corrupt. The reputation of the members, and the reputation of the House itself, was undermined in every part of the kingdom.

"In the Speech from the throne relative to India, we are cautioned by the ministers, 'not to lose sight of the effect 'any measure may have on the constitu-'tion of our country.' We are apprehensive that a calumnious report spread abroad of an attack upon his Majesty's prerogative by the late House of Commons, may have made an impression on his royal mind, and have given occasion to this unusual admonition to the present. This attack is charged to have been made in the late parliament, by a Bill which passed the House of Commons in the late session of that parliament, for the regulation of the affairs, for the preservation of the commerce, and for the amendment of the government of this nation, in the East Indies.

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"That his Majesty and his people may have an opportunity of entering into the ground of this injurious charge, we beg leave humbly to acquaint his Majesty, that, far from having made any infringement whatsoever on any part of his royal prerogative, that Bill did, for a limited time, give to his Majesty certain powers never before possessed by the crown; and for this his present ministers (who, rather than fall short in the number of their calumnies, employ some that are contradictory) have slandered this House, as aiming at the extension of an unconstitutional influence in his Majesty's crown. This pretended attempt to increase the influence of the crown, they were weak enough to endeavour to persuade his Majesty's people was amongst the causes which excited his Majesty's resentment against his late ministers.

"Further, to remove the impressions of this calumny concerning an attempt in the House of Commons against his prerogative, it is proper to inform his Majesty, that the territorial possessions in the East Indies never have been declared, by any public judgment, act, or instrument, or any resolution of parliament whatsoever, to be the subject matter of his Majesty's prerogative; nor have they ever been understood as belonging to his ordinary administration, or to be annexed or united to his crown; but that they are acquisitions of a new and peculiar description,* unknown to the ancient executive constitution of this country.

"From time to time, therefore, parliament provided for their government according to its discretion, and to its opinion of what was required by the public necessities. We do not know that his Majesty was entitled, by prerogative, to exercise any act of authority whatsoever in the Company's affairs, or that in effect such authority has ever been exercised. His Majesty's patronage was not taken away by that Bill; because it is notorious that his Majesty never originally had the appointment of a single officer, civil or military, in the Company's establishment in India; nor has the least degree of patronage ever been acquired to the crown in any other manner or measure than as the power was thought expedient to be granted by Act of parliament; that is, by the very same authority by which the offices were disposed of and regulated in the Bill which his Majesty's servants have falsely and injuriously represented as infringing upon the prerogative of the crown.

"Before the year 1773 the whole administration of India, and the whole patronage to office there, was in the hands of the East India Company. The East India Company is not a branch of his Majesty's prerogative administration, nor does that body exercise any species of authority under it, nor indeed from any British title, that does not derive all its legal validity from acts of parliament.

"When a claim was asserted to the India territorial possessions in the occupation of the Company, these possessions were not claimed as parcel of his Majesty's patrimonial estate, or as a fruit of the ancient inheritance of his crown. They were claimed for the public. And when agreements were made with the East India Company concerning any composition for the holding, or any participation of the profits of those territories, the agreement was made with the public, and the preambles of the several acts have uniformly so stated it. These agreements

* The territorial possessions in the East Indies were acquired to the Company, in virtue of grants from the great mogul, in the nature of offices and jurisdictions, to be held under him, and dependent upon his crown; with the express condition of being obedient to orders from his court, and of paying an annual tribute to his treasury. It is true, that no obedience is yielded to these orders; and for some time past there has been no payment made of this tribute. But it is under a grant, so conditioned, that they still hold. To subject the King of Great Britain as tributary to a foreign power, by the acts of his subjects—to suppose the grant valid, and yet the condition void—to suppose it good for the King, and insufficient for the Company—to suppose it an interest divisible between the parties;—these are some few of the many legal difficulties to be surmounted, before the common law of England can acknowledge the East India Company's Asiatic affairs to be a subject matter of prerogative, so as to bring it within the verge of English jurisprudence. It is a very anomalous species of power and property which is held by the East India Company. Our English prerogative law does not furnish principles, much less precedents, by which it can be defined or adjusted. Nothing but the eminent dominion of parliament over every British subject in every concern, and in every circumstance in which he is placed, can adjust this new intricate matter. Parliament may act wisely or unwisely, justly or unjustly; but parliament alone is competent to it.

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were not made (even nominally) with his Majesty, but with parliament; and the Bills making and establishing such agreements always originated in this House, which appropriated the money to await the disposition of parliament, without the ceremony of previous consent from the crown even so much as suggested by any of his ministers; which previous consent is an observance of decorum, not indeed of strict right, but generally paid when a new appropriation takes place in any part of his Majesty's prerogative revenues.

"In pursuance of a right thus uniformly recognised and uniformly acted on, when parliament undertook the reformation of the East India Company in 1773, a commission was appointed as the commission in the late Bill was appointed; and it was made to continue for a term of years, as the commission in the late Bill was to continue; all the commissioners were named in parliament, as in the late Bill they were named. As they received, so they held their offices, wholly independent of the crown; they held them for a fixed term; they were not removable by an address of either House, or even of both Houses of parliament—a precaution observed in the late Bill, relative to the commissioners proposed therein; nor were they bound by the strict rules of proceeding which regulated and restrained the late commissioners against all possible abuse of a power which could not fail of being diligently and zealously watched by the ministers of the crown, and the proprietors of the stock, as well as by parliament. Their proceedings were, in that Bill, directed to be of such a nature as easily to subject them to the strictest revision of both, in case of any malversation.

"In the year 1780, an Act of parliament again made provision for the government of those territories for another four years, without any sort of reference to prerogative; nor was the least objection taken at the second, more than at the first of those periods, as if an infringement had been made upon the rights of the crown; yet his Majesty's ministers have thought fit to represent the late commission as an entire innovation on the constitution, and the setting up a new order and estate in the nation, tending to the subversion of the monarchy itself.

"If the government of the East Indies, other than by his Majesty's prerogative, be, in effect, a fourth order in the common-wealth, this order has long existed; because the East India Company has for many years enjoyed it in the fullest extent, and does at this day enjoy the whole administration of those provinces, and the patronage to offices throughout that great empire, except as it is controlled by act of parliament.

"It was the ill-condition, and ill-administration of the Company's affairs, which induced this House (merely as a temporary establishment) to vest the same powers which the Company did before possess (and no other), for a limited time, and under very strict directions, in proper hands, until they could be restored, or further provision made concerning them. It was therefore no creation whatever of a new power, but the removal of an old power, long since created, and then existing, from the management of those persons who had manifestly and dangerously abused their trust. This House, which well knows the parliamentary origin of all the Company's powers and privileges, and is not ignorant or negligent of the authority which may vest those powers and privileges in others, if justice and the public safety so require, is conscious to itself, that it no more creates a new order in the state, by making occasional trustees for the direction of the Company, than it originally did in giving a much more permanent trust to the directors, or to the general court of that body. The monopoly of the East India Company was a derogation from the general freedom of trade belonging to his Majesty's people. The powers of government, and of peace and war, are parts of prerogative of the highest order. Of our competence to restrain the rights of all his subjects by act of parliament, and to vest those high and eminent prerogatives even in a particular company of merchants, there has been no question. We beg leave most humbly to claim as our right, and as a right which this House has always used, to frame such bills, for the regulation of that commerce, and of the territories held by the East India Company, and every thing relating to them, as to our discretion shall seem fit: and we assert and maintain, that therein we follow, and do not innovate on the constitution.

"That his Majesty's ministers, misled by their ambition, have endeavoured, if possible, to form a faction in the country against the popular part of the constitution; and have therefore thought proper to add to their slanderous accusation

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against a House of parliament, relative to his Majesty's prerogative, another of a different nature, calculated for the purpose of raising fears and jealousies among the corporate bodies of the kingdom, and of persuading uninformed persons belonging to those corporations to look to, and to make addresses to them as protectors of their rights, under their several charters, from the designs which they, without any ground, charged the then House of Commons to have formed against charters in general. For this purpose they have not scrupled to assert that the exertion of his Majesty's prerogative in the late precipitate change in his administration, and the dissolution of the late parliament, were measures adopted in order to rescue the people and their rights out of the hands of the House of Commons, their representatives.

"We trust that his Majesty's subjects are not yet so far deluded as to believe that the charters, or that any other of their local or general privileges, can have a solid security in any place but where that security has always been looked for, and always found, in the House of Commons. Miserable and precarious indeed would be the state of their franchises, if they were to find no defence but from that quarter from whence they have always been attacked.* But the late House of Commons in passing that bill, made no attack upon any powers or privileges, except such as a House of Commons has frequently attacked, and will attack (and they trust, in the end, with their wonted success) that is, upon those which are corruptly and oppressively administered; and this House do faithfully assure his Majesty, that we will correct, and, if necessary for the purpose, as far as in us lies, will wholly destroy every species of power and authority exercised by British subjects to the oppression, wrong, and detriment of the people, and to the impoverishment and desolation of the countries subject to it.

"The propagators of the calumnies against that House of Parliament have been indefatigable in exaggerating the supposed injury done to the East India Company by the suspension of the authorities which they have, in every instance, abused; as if power had been wrested, by wrong and violence, from just and prudent hands: but they have, with equal care, concealed the weighty grounds and reasons on which that House had adopted the most moderate of all possible expedients for rescuing the natives of India from oppression, and for saving the interest of the real and honest proprietors of their stock, as well as that great national, commercial concern, from imminent ruin.

"The ministers aforesaid have also

* The attempt upon charters and the privileges of the corporate bodies of the kingdom in the reigns of Charles the 2nd, and James the 2nd, was made by the crown. It was carried on by the ordinary course of law, in courts instituted for the security of the property and franchises of the people. This attempt made by the crown was attended with complete success. The corporate rights of the city of London, and of all the companies it contains, were by solemn judgment of law declared forfeited; and all their franchises, privileges, properties, and estates, were of course seized into the hands of the crown. The injury was from the crown; the redress was by parliament. A Bill was brought into the House of Commons, by which the judgment against the city of London, and against the companies, was reversed; and this Bill passed the House of Lords without any complaint of trespass on their jurisdiction, although the Bill was for a reversal of judgment in law. By this Act, which is the 2nd of William and Mary, ch. 8, the question of forfeiture of that charter is for ever taken out of the power of any court of law. No cognizance can be taken of it except in parliament.

Although the Act above mentioned has declared the judgment against the corporation of London to be illegal, yet Blackstone makes no scruple of asserting, that "perhaps in strictness of law, the proceedings in most of them [the Quo Warranto causes] were sufficiently regular," leaving it in doubt whether this regularity did not apply to the corporation of London as well as to any of the rest; and he seems to blame the proceeding (as most blameable it was) not so much on account of illegality, as for the crown's having employed a legal proceeding for political purposes. He calls it "an exertion of an act of law for the purposes of the state."

The same security which was given to the city of London, would have been extended to all the corporations, if the House of Commons could have prevailed. But the Bill for that purpose passed but by a majority of one in the Lords: and it was entirely lost by a prorogation, which is the act of the crown. Small, indeed, was the security which the corporation of London enjoyed before the Act of William and Mary, and which all the other corporations, secured by no statute, enjoy at this hour, if strict law was employed against them. The use of strict law has always been rendered very delicate by the same means, by which the almost unmeasured legal powers

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caused it to be reported, that the House of Commons have confiscated the property of the East India Company. It is the reverse of truth. The whole management was a trust for the proprietors, under their own inspection (and it was so provided for in the Bill) and under the inspection of parliament. That Bill, so far from confiscating the Company's property, was the only one which, for several years past, did not, in some shape or other, affect their property, or restrain them in the disposition of it.

"It is proper that his Majesty and all his people should be informed, that the House of Commons have proceeded, with regard to the East India Company, with a degree of care, circumspection, and deliberation, which has not been equalled in the history of parliamentary proceedings. For sixteen years the state and condition of that body has never been wholly out of

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residing (and in many instances dangerously residing) in the crown are kept within due bounds; I mean, that strong superintending power in the House of Commons, which inconsiderate people have been prevailed on to condemn as trenching on prerogative. Strict law is by no means such a friend to the rights of the subject as they have been taught to believe. They who have been most conversant in this kind of learning, will be most sensible of the danger of submitting corporate rights of high political importance to these subordinate tribunals. The general heads of law on that subject are vulgar and trivial. On them there is not much question. But it is far from easy to determine what special acts, or what special neglect of action, shall subject corporations to a forfeiture. There is so much laxity in this doctrine, that great room is left for favour or prejudice, which might give to the crown an entire dominion over those corporations. On the other hand, it is undoubtedly true, that every subordinate corporate right ought to be subject to control; to superior direction; and even to forfeiture, upon just cause. In this reason and law agree. In every judgment given on a corporate right of great political importance, the policy and prudence make no small part of the question. To these considerations a court of law is not competent; and indeed an attempt at the least intermixture of such ideas with the matter of law, could have no other effect, than wholly to corrupt the judicial character of the court in which such a cause should come to be tried. It is besides to be remarked, that if in virtue of a legal process a forfeiture should be adjudged, the court of law has no power to modify or mitigate. The whole franchise is annihilated, and the corporate property goes into the hands of the crown. They who hold the new doctrines concerning the power of the House of Commons, ought well to consider in such a case by what means the corporate rights could be revived, or the property could be recovered out of the hands of the crown. But parliament can do what the courts neither can do nor ought to attempt. Parliament is competent to give due weight to all political considerations. It may modify, it may mitigate, and it may render perfectly secure, all that it does not think fit to take away. It is not likely that parliament will ever draw to itself the cognizance of questions concerning ordinary corporations, farther than to protect them in case attempts are made to induce a forfeiture of their franchises.

The case of the East India Company is different even from that of the greatest of these corporations. No monopoly of trade beyond their own limits, is vested in the corporate body of any town or city in the kingdom. Even within these limits the monopoly is not general. The Company has the monopoly of the trade of half the world. The first corporation of the kingdom has for the object of its jurisdiction only a few matters of subordinate police. The East India Company governs an empire through all its concerns, and all its departments, from the lowest office of economy to the highest councils of state,—an empire to which Great Britain is in comparison but a respectable province. To leave these concerns without superior cognizance would be madness; to leave them to be judged in the courts below on the principles of a confined jurisprudence, would be folly. It is well if the whole legislative power is competent to the correction of abuses, which are commensurate to the immensity of the object they affect. The idea of an absolute power has indeed its terrors; but that objection lies to every parliamentary proceeding; and as no other can regulate the abuses of such a charter, it is fittest that sovereign authority should be exercised where it is most likely to be attended with the most effectual correctives. These correctives are furnished by the nature and course of parliamentary proceedings, and by the infinitely diversified characters who compose the two Houses. In effect and virtually they form a vast number, variety, and succession of judges and jurors. The fulness, the freedom, and publicity of discussion, leaves it easy to distinguish what are acts of power, and what the determinations of equity and reason. There prejudice corrects prejudice, and the different asperities of party zeal mitigate and neutralise each other. So far from violence being the general characteristic of the proceedings of parliament, whatever the beginnings of any parliamentary process may be, its general fault in the end is, that it is found incomplete and ineffectual.

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their view: in the year 1767, the House took those objects into consideration, in a committee of the whole House: the business was pursued in the following year: in the year 1772, two committees were appointed for the same purpose, which examined into their affairs with much diligence, and made very ample reports: in the year 1773, the proceedings were carried to an act of parliament, which proved ineffectual to its purpose: the oppressions and abuses in India have since rather increased than diminished, on account of the greatness of the temptations and convenience of the opportunities, which got the better of the legislative provisions calculated against ill practices, then in their beginnings; insomuch that, in 1781, two committees were again instituted, who have made seventeen reports. It was upon the most minute, exact, and laborious collection and discussion of facts, that the late House of Commons proceeded in the reform which they attempted in the administration of India, but which has been frustrated by ways and means the most dishonourable to his Majesty's government, and the most pernicious to the constitution of this kingdom. His Majesty was so sensible of the disorders in the Company's administration, that the consideration of that subject was no less than six times recommended to this House in speeches from the throne.

"The result of the parliamentary inquiries has been, that the East India Company was found totally corrupted, and totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace given by the charter had been abused, by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made, have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the dimunition of our strength, and to the infinite dishonour of our national character; that the laws of this kingdom are notoriously, and almost in every instance, despised; that the servants of the Company, by the purchase of qualifications to vote in the general court, and at length, by getting the Company itself deeply in their debt, have obtained the entire and absolute mastery in the body by which they ought to have been ruled and coerced. Thus their malversations in office are supported instead of being checked by the Company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men, who are under the protection of this nation, and who ought to be protected by it, are oppressed by a most despotic and rapacious tyranny. The Company and their servants have strengthened themselves by this confederacy, have set at defiance the authority and admonitions of this House employed to reform them; and when this House had selected certain principal delinquents, whom they declared it the duty of the Company to recal, the Company held out its legal privileges against all reformation, positively refused to recal them, and supported those who had fallen under the just censure of this House, with new and stronger marks of countenance and approbation.

"The late House discovering the reversed situation of the Company, by which the nominal servants are really the masters, and the offenders are become their own judges, thought fit to examine into the state of their commerce; and they have also discovered that their commercial affairs are in the greatest disorder, that their debts have accumulated beyond any present or obvious future means of payment, at least under the actual administration of their affairs; that this condition of the East India Company has begun to affect the sinking fund itself, on which the public credit of the kingdom rests, a million and upwards being due to the customs, which that House of Commons, whose intentions towards the Company have been so grossly misrepresented, were indulgent enough to respite. And thus, instead of confiscating their property, the Company received without interest (which in such a case had been before charged) the use of a very large sum of the public money. The revenues are under the peculiar care of this House, not only as the revenues originate from us, but as, on every failure of the funds set apart for support of the national credit, or to provide for the national strength and safety, the task of supplying every deficiency falls upon his Majesty's faithful Commons, this House must, in effect, tax the people. The House therefore, at every moment, incurs the hazard of becoming obnoxious to its constituents.

"The enemies of the late House of Commons resolved, if possible, to bring on that event. They therefore endeavoured to misrepresent the provident means

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adopted by the House of Commons for keeping off this invidious necessity, as an attack on the rights of the East India Company; for they well knew that on the one hand if, for want of proper regulation and relief, the Company should become insolvent, or even stop payment, the national credit and commerce would sustain an heavy blow; and that calamity would be justly imputed to parliament, which after such long inquiries, and such frequent admonitions from his Majesty, had neglected so essential and so urgent an article of their duty: on the other hand they knew, that, wholly corrupted as the Company is, nothing effectual could be done to preserve that interest from ruin, without taking for a time the national objects of their trusts out of their hands; and then a cry would be industriously raised against the House of Commons, as depriving British subjects of their legal privileges. The restraint, being plain and simple, must be easily understood by those who would be brought with great difficulty to comprehend the intricate detail of matters of fact, which render this suspension of the administration of India absolutely necessary on motives of justice, of policy, of public honour, and public safety.

"The House of Commons had not been able to devise a method, by which the redress of grievances could be effected through the authors of those grievances; nor could they imagine how corruptions could be purified by the corruptors and the corrupted; nor do we conceive how any reformation can proceed from the known abettors and supporters of the persons who have been guilty of the misdemeanors which parliament has reprobated, and who for their own ill purposes have given countenance to a false and delusive state of the Company's affairs, fabricated to mislead parliament, and to impose upon the nation.*

"Your Commons feel, with a just resentment, the inadequate estimate which your ministers have formed of the importance of this great concern. They call on us to act upon the principles of those who have not inquired into the subject; and to condemn those who, with the most laudable diligence, have examined and scrutinized every part of it. The deliberations of parliament have been broken; the season of the year is unfavourable; many of us are new members, who must be wholly unacquainted with the subject, which lies remote from the ordinary course of general information.

"We are cautioned against an infringement of the constitution; and it is impossible to know what the secret advisers of the crown, who have driven out the late ministers for their conduct in parliament, and have dissolved the late parliament for a pretended attack upon prerogative, will consider as such an infringement. We are not furnished with a rule, the observance of which can make us safe from the resentment of the crown, even by an implicit obedience to the dictates of the ministers who have advised that Speech; we know not how soon those ministers may be disavowed, and how soon the members of this House, for our very agreement with them, may be considered as objects of his Majesty's displeasure. Until by his Majesty's goodness and wisdom the late example is completely done away, we are not free.

"We are well aware, in providing for the affairs of the East, with what an adult strength of abuse, and of wealth and influence growing out of that abuse, his Majesty's Commons had, in the last parliament, and we still have to struggle. We are sensible that the influence of that wealth, in a much larger degree and measure than at any former period, may have penetrated into the very quarter from whence alone any real reformation can be expected.*

* The purpose of the misrepresentation being now completely answered, there is no doubt but the committee in this parliament, appointed by the ministers themselves, will justify the grounds upon which the last parliament proceeded; and will lay open to the world the dreadful state of the Company's affairs, and the grossness of their own calumnies upon this head. By delay the new assembly is come into the disgraceful situation of allowing a dividend of eight per cent. by act of parliament, without the least matter before them to justify the granting of any dividend at all.

* This will be evident to those who consider the number and description of directors and servants of the East India Company, chosen into the present parliament. The light in which the present ministers hold the labours of the House of Commons, in searching into the disorders in the Indian administration, and all its endeavours for the reformation of the government there, without any distinction of times, or of the persons concerned, will appear from the following extract from a speech of the present Lord Chancellor (Thurlow).

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"If, therefore, in the arduous affairs recommended to us, our proceedings should be ill adapted, feeble and ineffectual; if no delinquency should be prevented, and no delinquent should be called to account; if every person should be caressed, promoted, and raised in power, in proportion to the enormity of his offences; if no relief should be given to any of the natives unjustly dispossessed of their rights, jurisdictions, and properties; if no cruel and unjust exactions shall be forborne; if the source of no peculation or oppressive gain should be cut off; if, by the ommission of the opportunities that were in our hands, our Indian empire should fall into ruin irretrievable, and in its fall crush the credit, and overwhelm the revenues of this country, we stand acquitted to our honour, and to our conscience, who have reluctantly seen the weightiest interests of our country, at times the most critical to its dignity and safety, rendered the sport of the inconsiderate and unmeasured ambition of individuals, and by that means the wisdom of his Majesty's government degraded in the public estimation, and the policy and character of this renowned nation rendered contemptible in the eyes of all Europe."

Mr. William Windham seconded the motion; which was negatived without a division.

Debate on Mr. Alderman Sawbridge's Motion for a Reform of Parliament.] June 16. The order of the day being read,

Mr. *Milnes* addressed himself to Mr. alderman Sawbridge, and as a friend to reform, intreated the hon. gentleman to postpone his motion to another session. He trusted the hon. gentleman would see the propriety of complying with such a request. The only inducement which he would urge on the present occasion was, that the minister on that condition would certainly adopt something specific and decisive as early as possible next session.

Mr. *Sawbridge* thought the proposition rather extraordinary. He did not however wish to do any thing which might have the appearance of precipitancy; he would therefore suspend his proceedings at least till he heard from the minister's own mouth what his intentions were.

Mr. *Pitt* said, that his situation was rather delicate. The pressure of business, which in the present circumstances it was natural for him to feel, did not leave his mind at liberty to enter on the disquisition and arrangement of a subject so peculiarly complicated and extensive as an equal representation of the people. He trusted, however, it was a measure which he should one day see realised. And it was no great matter to him how it was carried, provided it did but succeed. In this no man within or without doors would more sincerely rejoice than he should. The House and the people, he had no doubt, would give him credit for his sincerity, when he declared that he had it very much at heart; and he pledged himself in the strongest language to bring it forward the very first opportunity the next session. It was greatly, in his opinion, out of season just at this juncture. He could have no objection, should the hon. gentleman think otherwise, and persist in proposing it now; but he was surely entitled to the same right of judging for himself; and he could assure the House, nothing but a suspicion of risking the question, which he did presume might be urged with a greater probability of success at another time, should have prevented his bringing it forward now. A regard, however, to inclination, to principle, to consistence, and to duty, would not suffer him to let slip any opportunity in which he could foresee a probability of carrying the measure.

Mr. *Powney* asked what was the meaning of thus, day after day, putting off the motion? For his part, he had frequently come for no other purpose but that he might have the pleasure of giving it an hearty negative. He knew not how he might feel on the present occasion, but he

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After making a high-flown panegyric on those whom the House of Commons had condemned by their resolutions, he said—"Let us not be misled by reports from committees of another House, to which, I again repeat, I pay as much attention as I would do to the history of Robinson Crusoe. Let the conduct of the East India Company be fairly and fully inquired into; let it be acquitted or condemned by evidence brought to the bar of the House. Without entering very deep into the subject, let me reply in a few words to an observation which fell from a noble and learned lord, that the Company's finances are distressed, and that they owe at this moment a million sterling to the nation. When such a charge is brought, will parliament in its justice forget that the Company is restricted from employing that credit which its great and flourishing situation gives to it?" See p. 124 of the present Volume.

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wished the proposition to be produced, and he should then hear much more substantial reasons than he had yet done, if he did not regard it as he always had.

Mr. *Wilberforce* trusted his attachment to the object of the motion would not be doubted. But friend as he was to this great and desirable reformation, he could not see any reasonable objection to putting it off till the period in which the minister stood pledged to bring it on. The hon. gentleman he hoped would consider the matter maturely, and avoid risking a question of such importance by a premature procedure.

Mr. *Fox* considered the whole of this manœuvring as equally curious and unaccountable. A worthy alderman proposed to move the House on a question in which the people of this country were deeply, seriously, and universally interested. He very candidly and fairly, however, as being truly in earnest about its success, wishes the minister to take it out of his hands. The minister owns the handsome offer made him of doing what must be ultimately acceptable to a great and respectable majority of his countrymen; but he hesitates and procrastinates on various pretexts, as it would seem, to save time. His hon. friend, however, steady to his purpose as he was, from a generous inclination to accommodate the matter to the convenience of all sides of the House, is prevailed on to give way at least from one day to another; and when that day comes, a very serious, but he would say an awkward proposal is made him, that he would defer the business for the present session. All the while, and notwithstanding much serious importunity to delay the business, not so much as the shadow of a reason is urged why his hon. friend should not proceed: now it was assigned with much solemnity that it was not a proper time. It was astonishing that not one of the gentlemen who had made this remark had attempted to justify it by any reasoning whatever. For his part, he could conceive no reason, though some had assumed it as not less incontestible than an axiom in geometry. But so far was he from feeling its force on his mind, that he was satisfied no time in the world was so fit. The parliament was a new one, and by no means hackneyed in the habits of treating constitutional questions with levity or neglect. Gentlemen were just from the country, and in some manner inspired with the sentiments of their constituents. Their professions in the prospect of securing their seats were too recent to be forgotten. They would naturally be proud to shew the people of England how much they had their wishes at heart, with what prompitude they were ready to act in their service, and how well they were qualified to manage their concerns. Where, then, was the impropriety? What was the hindrance? He owned much public business there was still on the minister's hands. But what business could be of more consequence than that of a reform in the constitution of this House? This he thought he might urge with the greater earnestness, as it was not improbable but the House might take up more time in debating the adjournment than in determining the question. It was, in his mind, a very serious and critical matter to trifle, as had hitherto been too much the case, with the feelings and wishes of the great body of the people. He thought the present question would operate on them as a test by which they would see who were their real in contradiction to their apparent friends; and he trusted that those who had it in their power would gladly embrace the opportunity of fulfilling engagements for which they stood so deeply and repeatedly pledged to the public. But a new pretence was brought forward, and though no reason could be assigned for the unseasonableness of the motion now, it was said it would be seasonable next session, because the minister would then undertake it. But why was not this resolution avowed from the beginning? Why was it never avowed till now? And why on this particular occasion? Would the minister be more able to command a majority than he appeared to be at present? Would his friends be more numerous or more confident? It did not appear to him they ever could. He trusted the public at large would see through this shuffling, procrastinating spirit. He did not pretend to doubt the hon. gentleman's sincerity in the cause, but he did suspect that he had reasons for the present shyness, which however nameless, had their force: and he, for his own part, greatly doubted, whether any reform of this, or any other description, could reasonably be expected from a ministry who stood on grounds so hostile to the constitution, and who had yet given no very striking proofs of their predilection for any thing connected with the representation of the people. He would how-

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ever assure the right hon. gentleman, that the spirit was now gone forth, which all his influence and connexions would find very difficult to subdue, perhaps not a little dangerous to oppose. The people of England, he asserted, were not easily so used; but the instant they became unanimous and in earnest, it was in vain to strive against them. He trusted now was the time to realise an idea they had so long cherished, and to which they directed their attention and expectations. To be sure, his hon. friend would be guided by his own judgment; but he was mistaken if such a treatment as this would not stimulate him to come forward, and without farther negociation, do his duty, and acquit himself of his promise to this House, to his constituents, and to the public.

Mr. *Martin* could have wished the motion had been deferred until the minister had time to undertake it: this however he only wished, on condition that a motion much more adequate to the object than what he had last proposed should be undertaken. He did not expect or desire the right hon. gentleman to be more explicit on this head, and therefore wished the hon. gentleman would go on with his design.

Mr. Alderman *Sawbridge* rose and observed, that notwithstanding all he had heard, he was convinced in his own mind that it was his duty to state to the House a motion he had repeatedly announced; and it was one, he said, which did not originate in this House, but with the people at large. They felt the necessity of such a reform, and they demanded it as their right. It was the nature of every human structure to stand in need of frequent repair, otherwise time and accident infallibly destroyed it. He therefore denied that the question before the House went to a reform, as a renovation only was its object; the radical principles were sound, and required only to be retouched. He then went at large into the state of the representation in various parts of the country, and asked whether such a system as that which at present prevailed, could be called a fair, or an equitable, or a satisfactory one? His object would consequently be, to have all the light which could be thrown on the subject collected under the inspection and cognizance of the House, that they might see whether any thing farther ought to be done or not; and then, what the specific remedy which was necessary ought to be. This was his present and professed aim, and he trusted the House would go along with him in realizing it. Without, therefore, troubling them with any long reasoning on a subject so well known and generally understood, he should simply move, "That a committee be appointed to take into consideration the present state of the Representation of the Commons of Great Britain in parliament."

Mr. Alderman *Newnham* rose to second a motion which he sincerely wished might succeed. The people claimed it as their right, and he asked who had the right to deny it to them? The time, he trusted, was come, when that partial representation, which he had always considered as the most glaring defect in the British constitution, would be removed, and liberty would receive an additional security from such an extension to the freedom of parliament.

Mr. *Grosvenor* rose to give the motion his negative, and this on two accounts. He did not like to see it assumed, that the present state of the representation was imperfect: this was not a fair mode, in his opinion, of viewing the subject; it was prejudging the case without a trial. He would, however, give no opinion about it; when any specific motion was presented to the House, then would be the period for discussing the equality of representation. He was averse in any judicatory to take any thing for granted while it was so fully capable of proof; but here a committee was appointed to inquire into the state of that part of the constitution which was as it always had been. Nothing human was perfect; this, however, with all its imperfections, had been admired and extolled by all the world, and yet the present motion was to set on foot an inquiry which supposed it full of defects. His other reason against admitting the motion was, that it would have come with a better grace in the beginning of another session, when gentlemen had more time to spare, and were less impatient to retire from the fatigue of public business.

Sir *Richard Hill* with deference to that hon. House asserted, that it was an observation of a wiser man than any within those walls, that "to every thing there is a season, and a time to every purpose under heaven." It was however much to be feared that the hon. gentleman who made the motion, notwithstanding all he had been saying, had not paid due regard to those words of the wisest of men, else

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he would not have chosen the present time to manifest his zeal for our reformation, a time when so much public national business called for their immediate attention. But the ruling passion would ever be uppermost, and when a man was tired of every thing else, he could mount his own hobby-horse with alacrity. Sir Richard declared himself a cordial friend to a parliamentary reform, he meant so far as related to a more equal representation. He had voted for it, he had spoken in favour of it, and he hoped to give it his support, whenever he saw it brought forward at a proper time and in a proper manner; but he solemnly declared, that he thought the hon. gentleman's injudicious and ill-timed ardour would greatly hurt the cause he meant to defend, insomuch that if the House came to a division that night, he doubted whether the hon. gentleman's hobby would even carry double; and whenever he (sir Richard) acted the part of a Don Quixote, he should be sadly disappointed indeed if he could not get one poor Sancho Pancho to mount behind him on his Rosinante. He had been considering what could be the hon. gentleman's reasons for bringing on his motion at that time, and the three following had been suggested to him:—

First, the hon. gentleman might think it would give him a little more importance, and indeed, when he reflected on the importance of the thing itself, and the many difficulties attending the execution of it, the hon. gentleman could not think he depreciated him, when he affirmed that all the weight and consequence, all the judgment and abilities of that House collectively, were not more than equal to an undertaking of such prodigious magnitude. Secondly, the hon. gentleman might imagine it would raise his own popularity, and be the means of wiping away from the minds of his constituents, what they might think some little *faux pas* in his late conduct. But he was far from thinking the hon. gentleman would be able to gain their favour by this device, or at all raise his popularity among a respectable body of sensible, judicious, opulent citizens, from whom he was sure the hon. gentleman had received no instruction to begin his parliamentary career with an attempt to stop parliamentary business. Thirdly, the hon. gentleman might think that if his own popularity would be increased by bringing on his motion, that of the minister would be lessened by rejecting or postponing it. Notwithstanding the hon. gentleman's great politeness and profound humility in offering the Chancellor of the Exchequer the preference in the business, he must say, that the conduct of the minister had been so uniformly consistent in favour of a parliamentary reform, that all attempts to injure him on that score must appear poor and futile indeed; and he was persuaded, that if the minister were now to begin on a business so arduous in itself, and which must necessarily be attended with so many obstructions, that instead of making himself more popular, he would justly rouse the popular indignation against him. Would it not be said on all sides, What is to become of loan and taxes? What of public credit? What of commerce? And after all, what of India? Instead of now disputing by whom parliamentary business ought to be done, why did not they proceed to the immediate doing of parliamentary business? Such would be the language both within and without doors, were the minister, at this busy crisis, to bring on any projects for a reform in parliament: and he was sure the hon. gentleman himself was of opinion, there were many things which might be very fit and proper to be done at one time, which at another he would think extremely inexpedient and *mal-à-propos*. To particularize only one instance in familiar life. He had heard that the hon. gentleman was remarkably fond of whist, and that he was so excellent a player that he could correct even Hoyle himself; yet if a few friends were to come to the hon. gentleman's house in the middle of the night, knock up all his family, awaken him out of a sound sleep, and insist upon his immediately getting up and playing a rubber at his favourite game, might he not well answer, "My friends, what are you about? Are you out of your senses? Whilst I love, and will play as many rubbers as you please to-morrow evening; but sleep is now the thing that I want, and that my constitution wants also." Besides, the hon. gentleman might perhaps add, "You have disturbed me in a most pleasing dream, wherein methought I was in the House of Commons, and methought we were divided upon my motion for a parliamentary reform, and methought I had a majority of more than two hundred." The hon. gentleman might therefore address his friends in the words of Horace:

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——" Pol me occidistis, amici,
——cui sic extorta voluptas,
Et demptus per vim mentis gratissimus error."

Or nearly in the words of Pope:

" Asleep, a patriot of distinguish'd note;
" Awake, reduc'd unto a single vote."

Thus, sir Richard declared, he had endeavoured to fathom the hon. gentleman's three reasons for bringing on his motion at that time. They might indeed go deeper, but he confessed his line would reach no farther; the hon. gentleman might, if he pleased, distinguish them into good, better, best; but he was obliged *malgré lui* to draw them in a different light, and therefore must change the hon. gentleman's *bonus, melior, optimus*, unto *malus, pejor, pessimus*. But though he professed his dislike of the motion, as being exceedingly ill-timed, he must again declare, that he heartily approved of the thing moved for, and hoped at some proper opportunity to have the honour of laying before the House some new thoughts on the subject, which he had lately received from a very sensible gentleman who was one of his constituents; but at present he should not mention them, neither should he say any thing concerning certain rotten boroughs, out of which so many half-starved rats had crept, and at times had well-nigh undermined the foundations of that House. They might, if they pleased, call themselves the representative body of the people, but as he had the honour of observing to the House upon a former occasion, that House exhibited much such a representation of the people as the Speaker himself did of that House, when he was starving in St. Margaret's church on the 30th of January, and some of his attendants perhaps counting the moments of the preacher's sermon. But there was an old adage, that " friends in distress make sorrow the less;" and the Speaker had at least the comfort of knowing, that a still more dignified personage than himself, the great and learned representative of the House of Peers, was at the same moment undergoing the same annual frigid discipline, not 100 miles distant from him.

Sir Richard begged pardon for this digression, declaring he was perfectly orderly, for he was speaking of equal representation; but the subject being rather too delicate to dwell upon, he should immediately come back to his point. It was notorious that many worthy members of that House had no constituents, perhaps only one constituent, being themselves both the constituent and the constituee; hence those offensive expressions to the ear of independence, " Lord such a one's borough." " Mr. such a one's borough." Well, then, might the ingenious member for Kirkwall, alias the hopeful member for Westminster (for he presumed he was full of hopes of success) find out that the voice of the people both was and was not to be heard in that House. Here what was wrong and what was wanted must appear to every man; but how to rectify the wrong and supply the want had puzzled and would puzzle much wiser heads than the hon. gentleman's and his. Those gentlemen who made no scruple of voting away rights and charters, might think there was an easy method of getting rid of as many rotten boroughs as they pleased; but as some such gentlemen represented some such boroughs, he was inclined to think that when it came to themselves, they would alter their sentiments and perceive a flagrant injustice in their own case, which had no existence where the confiscation of the property of a great respectable Company was to be the effect of their aye or no. Men of wit might ridicule the idea of parliamentary reform, by saying, that " a tinker had rather mend a kettle than the constitution," and " a labourer rather make a faggot than make laws," &c. And where was the thing, however excellent, which had not been ridiculed? But as to arguments, he must hear better than any he had yet heard to convince him that a parliamentary reform was not much wanted, and much to be wished. As to the stale cry of ' innovation! innovation!' it was so very absurd, that it was fit only for the lips of his Holiness or old Mother Goose. If that plea were to be admitted, good night to every thing but ignorance and barbarism. According to this plea, no one thing that was wrong ought ever to be amended, nay, the longer abuse and error had existed, the longer they ought to exist; and the state or nation which had groaned for centuries under any particular grievance, ought to bear the burthen of that grievance as long as the world stood; even injustice might be sanctified by time, and oppression by being oppressed. If this doctrine had always been adhered to, where would have been many of their civil liberties at that day, when they withstood not the imaginary but the real arbitrary ideas of prerogative, which some

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contended for as the very basis of the constitution, and which would have made the English diadem as absolute as that of France? Above all, where would have been that religion which came down to them streaming in the blood of Protestants, Martyrs, and Confessors? That religion, which, however despised and ridiculed it might be in this degenerate day of profligacy and dissipation, instead of being ashamed of, they ought to glory in, and to make the rule of all their conduct, both in public and in private life. Overwhelmed by arbitrary power, and sunk into the dregs of popish superstition, they should now have nothing to console themselves with, but the reflection of having steered clear of every attempt towards any reformation, either in church or state, for fear of the danger of innovation. According to that doctrine, the man who had an unhealthy state of body ought never to be cured; or if he sent for the physician, the wise doctor should shake his head and say, "To be sure you are but in a bad way, but I shall not attempt to administer any relief to you. You have been sick so long, that sick by all means you ought to continue." Now, he supposed nobody would affirm that there were no diseases in the body politic, as well as in the body natural; and he supposed also that nobody would deny that the great body politic of this kingdom had been for several years past (indeed, ever since the administration of one, whose name could never be mentioned but with veneration in that House, he need not say he meant the great earl of Chatham) in an atrophy, and during the time that the noble lord in the blue ribbon held the reins, in a galloping consumption. They had tried bleeding long enough, and bleeding with leeches too: he had no objection to try the alterative in question, when the body was in a fit state to receive it; but he was sure, for the reasons already given, that at present it was not; and nobody but an empiric or quack, who was totally unskilled in the knowledge of political chemicals and galenicals, would say that it was. If he had talked too long in the medical style, he humbly hoped the House would pardon him; and he was sure he should meet with the indulgence of a learned lord, he meant the lord rector of Glasgow (Mr. Burke). Though, alas! all his prescriptions the other night had no other effect than to procure the easy dismission of his patient, without a struggle, or without a groan; and he was sure it was to the general satisfaction of that honourable assembly, that the poor creature went off so easily and so peaceably. He knew it would be contrary to order for him now to say any thing of that learned lord's speech; but as the learned lord was pleased to assert, that when a late right hon. secretary brought in his India Bill, he wished for neither power nor emolument to himself or friends, but that he acted from nobler motives, and despised all such trifles, he would just take the liberty of observing, *en passant*, that there was an old fable they were all well acquainted with, which said, "That when Reynard had leaped very high at the grapes and could not reach them, he sneaked off, and said they were sour."

Now, sir Richard asked, after all he had said, on which side must he give his voice? He certainly should not vote against a measure which he heartily wished at a proper time to see adopted: but as he thought this was by no means such a time, he should do what he said the Speaker would be very glad to join him in (but, alas! dignity of office debarred him of the privilege); he should leave the hon. combatants to fight it out among themselves, and should go home and try to get a good night's rest. The Speaker had the repeated pleasure and benefit of hearing every speech which had been delivered on the subject for some years past, and therefore must have made up his mind on the point. But whether he was for a reform in the representation or duration of parliament, or whether, with the noble spouse of the late right hon. secretary (lord North) he thought both had better be deferred *ad Græcas Calandas*, he would answer for him, that he thought a reform in the duration of their debates, and, he would say, in the duration of their motions too, would be highly praise-worthy. And if to these he added a reform in their temper whilst debating, he believed he should be joined by the whole House *nem. con.* As therefore he began with one saying of the wise man, he should end with another, which was, "An angry man stirreth up strife, and a furious man aboundeth in transgression: but a soft answer turneth away wrath."

The Earl of *Surrey* declared he should have opposed the motion, had it been for a committee of the whole House, as that would have unavoidably taken up the time of the House, and retarded public

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business; but as the motion went merely to the appointment of a select committee, he would give it his vote.

Mr. *M. A. Taylor* took notice of what Mr. Fox had said of the complexion of the House, and the probability of Mr. Pitt's being able to carry the motion, if he was sincere in its favour. Mr. Taylor said, he meant to support the right hon. gentleman on all great national points, from the confidence he had in his integrity, and the high estimation in which he held his abilities; but he desired to be understood as a man not determined to vote with him in all cases and under all circumstances, whether right or wrong, whether his judgment accorded with the measures under consideration or not. As far as his experience went, he declared the people were not all bent on a parliamentary reform. He had stood candidate for two different places, and he heard nothing of a parliamentary reform in either. He sat for one borough of course, and his constituents had not instructed him to support any measure directed to such an object as the present motion. He said, he was not prepared to give a vote upon the present question; having sat so short a time in parliament, and having no thoughts of a seat in that House till the dissolution of the last parliament, he had not formed a judgment upon the subject, and therefore wanted more time to make up his mind before he could decide what was a fit measure for the House to adopt.

Lord *North* began with declaring, that though he certainly wished the motion to be put off, he should betray his sentiments, if he said he wished it to come on another day; he wished it never to come on, because he was convinced it never could be adopted, without a deep wound to the constitution. The worthy alderman who made the motion, had stated no ground to prove the necessity of any alteration in the state of the representation; and without very strong ground for such necessity was shewn, he should ever contend that it was unwise, rash, and improper to make so dangerous an experiment. From this remark his lordship proceeded to inquire what could be alleged as the proofs of any necessity for what was, in his mind, very falsely called a parliamentary reform. Was it because the crown was suspected to have had too much influence in the last parliament that it had been dissolved, and that it was necessary so early in the present to set about an alteration in the constitution? Was any gentleman afraid that the crown would have too much influence in this parliament? What possible reason could be given to shew that an alteration most seriously affecting that constitution under which the country had derived so many blessings, for so many years, was necessary? Did freedom depend upon every individual subject being represented in that House? Certainly not; for that House, constituted as it was, represented the whole kingdom. Freedom depended on a very different circumstance. He was free, because he lived in a country governed by equal laws. Where the highest and the lowest were governed by the same laws, where there was no distinction of persons, there freedom might be said to exist as purely and as perfectly as in the nature of things it could exist. But it was said Helleston sends members, Old Sarum sends members, and yet Manchester sends no members, nor Halifax, nor Leeds, nor Birmingham. What then? Did Manchester desire to send members? Did Leeds or Birmingham desire it? Would the sending members be of any advantage to their towns? Did any gentleman imagine that a petition from Manchester, or Halifax, or Leeds, or Birmingham, would be less attended to in that House than a petition from Helleston, which did send members, or from Old Sarum—though, indeed, Old Sarum could not now petition the House of Commons, because Old Sarum was in the House of Lords. But experience proved that petitions from Manchester, from Halifax, from Leeds, and from Birmingham, always received as much attention as petitions from boroughs that were represented; and undoubtedly the same attention petitions from Manchester, Halifax, Leeds, and Birmingham, always would receive, whether those towns were represented or not.

What proof had the House that a reform in parliament, as it was called, would afford satisfaction to the people? When the subject was under discussion some few years since, he recollected an hon. gentleman desired that the petition from Birmingham might be read; but there was no such petition on the table. In like manner he might now desire the clerk to read the petitions from Manchester, Halifax, and Leeds. What authentic information, then, had that House that the people wished for any alteration? He knew of

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none; and even if they had expressly petitioned for an alteration, and that in such a way as to make it clear that it was their decided opinion, he should have maintained that no alteration ought to have been made, because he held it to be indubitable, that when the people wished for an improper thing, it was the duty of that House, from a sense of what it owed to its own honour and to the general welfare of the country, to refuse complying with improper wishes and improper requisitions. And here he would not scruple to say, that those gentlemen who held that the instructions of constituents ought on all occasions to be complied with, did not know the constitution of their country. To surrender their own judgments, to abandon their own opinions, and to act as their constituents thought proper to instruct them, right or wrong, was to act unconstitutionally. Let them recollect who and what they were. They were not sent there, like the States General, to represent a particular province or district, and to take care of the particular interests of that particular province; they were sent there as trustees, to act for the benefit and advantage of the whole kingdom. He was not speaking as the ambassador from Banbury, come to meet the deputy from Old Sarum, or the plenipotentiary from Helleston. The moment a gentleman took his seat for Banbury, or for Old Sarum, or for Helleston, he was to consider himself as a representative of all England, and as bound to take as much care of the interests of one part of the empire as another. The idea therefore of complying in all cases with the instructions of constituents, was an idea directly repugnant to the constitution of parliament, and to the functions and duties of its members.

The hon. baronet who spoke a short time since, took notice of physicians and medical advice. Before a physician's aid was called in, it was necessary that the patient should apparently want such aid. That this was the case in regard to parliament remained to be proved. No such proof had yet been given. But it was said, there were such things as burgage tenures; that this lord sent in members for one borough, and that lord for another. It was very true; but in all human institutions there would necessarily and unavoidably be some blemishes. For his part, he regarded all such matters as trifles only, as things scarcely seen or felt, as mere warts upon the constitution, which did it no harm, nor occasioned any inconvenience. Was, then, the constitution to be endangered, in order to get off these little excrescences? But the worthy alderman had said, it was not innovation, but renovation, and recurring to first principles, that he proposed. Good God! did gentlemen consider what they said when they talked of renovation, and coupled with it the idea of a more pure representation in parliament, with a view to give the people a larger share of power? The people had more legislative power now than they ever had. The argument held by those who were the most zealous advocates for what was called a reform, was, that they wanted to check the influence of the crown and the influence of the aristocracy, and to give more influence to the democracy. And yet these very gentlemen talked of renovating the constitution, and recurring to first principles. Let them recollect what the ancient constitution was, and what the modern constitution was at that moment. In ancient times the people had no share at all in the legislature; it lay wholly with the king and his barons. Before the Revolution, therefore, there was infinitely less freedom than there was now; and were gentlemen, who made their desire to obtain more freedom for the people the plea for their zeal, anxious to renovate the constitution, and to take the new fabric of it to pieces, in order to build it up after the old fashion? Let them but reflect a moment on the absurdity of this conduct, and they would then see, it was innovation and not renovation that was intended. They could not declare themselves determined foes to the influence of the crown and to the influence of the aristocracy, and at the same time mean to go back to periods when the crown and the aristocracy had ten times more influence in that House than either had now.

His lordship traced the constitution from the earliest periods to the present day, and shewed that the constitution of Germany, of Portugal, of France, and of Spain, all had their origin in the same source from which the British constitution sprung; but that the genius of the country, and an infinite variety of accidents and events, had made it what it now was. He took notice of the various projects that had been suggested by different speculators for a reform of parliament, and stated some of them to be pregnant with

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infinite inconvenience, and others to be utterly impracticable. He particularly entered into a discussion of the scheme of adding one hundred knights of the shire, and also the duke of Richmond's idea, that every individual person should have a vote. He took notice of the statute of Henry 7, which confines the electors for members to serve in parliament to freeholders possessed of freeholds of 40*s*. a year rent. He reminded the House of the different value of money at that day and at present, and contended, that if elections were bad things for the country now, they would be ten times worse if the number of voters were increased. After having urged that the people did not wish for a reform, that any alterations would be dangerous to the constitution, that to renovate the constitution, as it is called, would be to lessen the power and influence of the democracy, and to increase the power and influence of the crown and the aristocracy, and that all the purposes of perfect freedom to the people and a strong and efficacious government might be answered under the present constitution, his lordship took notice of Mr. Pitt's having said, that if the hon. alderman did not make his motion that day, he would make a motion upon the same subject early in the next session. Since the hon. alderman had made his motion, he said, the right hon. gentleman was absolved from his promise, because the condition of it had been violated; he begged leave to assure him, therefore, that he did not stand pledged to make any motion of the kind, and he hoped he would not.

Having urged this, he at length took notice of sir Richard Hill's attack upon him, and said, he presumed, when the hon. baronet talked of a galloping consumption, he did not mean to allude to his person; because undoubtedly that afforded no symptoms of any such disease. After playing a little with this idea, he said, the hon. baronet, and many of those connected with administration, were perpetually holding out to him the idea that he had been the cause of all the calamities of the country by promoting the American war. Sir, said he, I deny that to be true; I found the American war when I came into administration; I did not create it, it was the war of the country, and approved of by the people at large. Sir, had parliament been reformed, they would not have expressed more clearly than the unreformed parliament did the opinion of their constituents on that subject. But, Sir, I desire once for all, that gentlemen will desist from those unfounded assertions, that I was the author of those calamities. If they are of that opinion, let them come forward with a charge; I am ready to meet it; I call for it; nay, Sir, I demand it as a right. There can be no reason for withholding it now. If I was protected before, I am not protected now.

The minister has every thing that can enable him to carry on the prosecution against me; he has a House of Commons to accuse, he has a House of Lords to judge, he is master of all the written evidence against me. And, as to parole testimony, those who were my friends, those who were in my secrets, those whom I received into my utmost confidence, from whom I concealed nothing, are now the friends of the right hon. gentleman, and I dare say their love of justice and regard for the public will make them fit and useful witnesses upon such an occasion. Yet, Sir, with all these advantages on the part of the minister, of accuser, judge, written and parole testimony, I do not shrink from, but court the inquiry: but this I must insist upon, that if the matter is not inquired into, it shall not be argued upon as if proved. His lordship after this recurred to the topics touched upon in the former part of his speech, and having again declared his express objections to any alteration in the constitution of parliament, he said, that holding such sentiments, he could not consistently move a previous question, though he might consistently vote for a previous question, if any other gentleman chose to move it; if that was not done, he should content himself with giving the motion his negative.

Sir *Edward Astley* said, he was not in the habit of complimenting the noble lord, but he must say, he had never heard him make a more able speech in his life. Sir Edward, after this, declared the noble lord had once dared him to institute an inquiry into his conduct. He had not chosen to undertake the office; but he should, nevertheless, still continue to impute all the calamities brought on the country by the American war to the noble lord. Sir Edward professed himself a friend to the motion.

Mr. *Beaufoy* spoke to the following effect: A noble lord, formerly the minister of this kingdom, has endeavoured to convince the Chancellor of the Exchequer that he is bound no longer by his engage-

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ments to the public to support a parliamentary reform, which, therefore, the noble lord advises him to relinquish. Sir, the friends of the right hon. Chancellor are under no apprehensions that he will take his lordship's advice, not only from their being convinced that his lordship is the last man in the kingdom whose advice he would choose to take, or whose example he would wish to follow; but from the still stronger reason of their being perfectly absurd, that no consideration under heaven would induce him to abandon an object which he believes essential to the happiness of his country. The arguments of those who, in the course of the debate, have endeavoured to combat the propriety of the motion, seem to be reducible to three specific objections; the first is, that the people do not wish for a reform in parliament; the second is, that whatever may be the wishes of the people, a reform in parliament would be highly prejudicial to the interest of the public; the last is, that, abstractedly from all other considerations, this particular mode of effecting a reform in parliament is dangerous, and the time highly inexpedient. To each of these objections it is easy to reply; my arguments will be short and few.

In the first place, it is said that the people do not wish for a reform: in answer to this assertion I can appeal, with confidence, to the language of the most popular candidates in all the popular elections; for if we may judge of the wishes of the people by the arguments which those who are candidates for their favour make use of to conciliate their esteem, we must be convinced that a parliamentary reform is, of all objects, that which the people have most at heart. The noble lord has said, that he believes no House of Commons, more popular than the present, has ever existed in the kingdom: none, for as he must mean, that ever enjoyed in a more ample degree the good opinion and confidence of the people. I perfectly agree with him in this belief, and therefore I am confident that a reform in parliament, which was always a public wish, is now, perhaps for the first time, the public expectation too; for the people are persuaded that, whatever were the sentiments of the late parliament, you will not blame their endeavours to procure, not that ideal and absurd equality which the noble lord ridicules and condemns, but that enlargement of their political freedom which is essential to the security of their civil rights. They wish to place as many guards as possible round those high privileges which they alone, of all the principal nations of Europe, continue to enjoy, but which, they well know, must cease with them also whenever they shall cease to be the constant objects of their care. They are confident, therefore, that you will not blame their zeal, if, following the example of their ancestors, they endeavour to preserve their constitution, by arresting the progress of abuse, and by endeavouring to obtain such new regulations as the common sense and the common feelings of mankind recommend. To that common sense and to those feelings they appeal from the assertions of the noble lord, when he declares, that for a reform in parliament there is no plea, either of necessity or use; for they ask, Is it not unwise to give to an agent such a continuance of power as must render him independent of his employers, and encourage him to use, for his own benefit, that authority that was given him for theirs? In private life, this would be considered as the excess of folly; in public life, it is impossible it should be wisdom.

The people, says the noble lord, have reason to wish for a reform; they think they have the most forcible of all reasons, a certainty founded on their own experience, that no delegated power will long be faithfully exercised, unless it frequently returns to those by whom it was bestowed. Are they asked for proofs of this assertion? Their answer is a national debt of 250 millions, a debt which no credulity can believe the people themselves would have contracted; which no credulity can believe the representatives of the people would have contracted, if they had no interest but that of the people; a debt of which we know that much has been contracted in a way that profligacy itself will not dare to justify; for, in one single year (to say nothing of other years) to charge 21 millions to the national account, when only twelve millions were borrowed, is a transaction which no man living will have the hardihood, in the face of his country, to defend. The noble lord talks of a reform in parliament as of entire ruin to the constitution; the people will tell him that they have not forgotten, though it seems he has, that within the memory of persons now living, the parliaments of this country were triennial; they will tell him that to this hour they must have continued triennial, if the first principles of the constitu-

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tion had not been abandoned, and its most sacred rules grossly and indecently violated; for, if there is any one maxim of the constitution which challenges particular regard, if there is any one to which a peculiar sanctity belongs, it is the maxim that the House of Commons shall be appointed by the people; whereas that House of Commons that repealed the Triennial Act was, as to the last four years of its existence, self appointed. The people empowered them to make laws; they did not empower them to make legislators. To restore to the people a benefit, of which they were so unconstitutionally, so unjustly, so tyrannically deprived, is an object which every friend to the people must have most sincerely at heart. I know I shall be told, that if triennial parliaments should be restored, the expense being doubly frequent would become an intolerable evil: my answer is, that if the evil should be intolerable, it must be of short continuance; its magnitude will enforce correction, and indeed there is much reason to believe that till the frequency of elections shall have made the expense intolerable, no effectual law for restraining that expense ever will be passed. The noble lord has described the defects in our present constitution as blemishes of no account, as spots which the sharpest eye finds it difficult to trace. On behalf of the people, permit me to tell his lordship what they think of these shadowy defects, these blemishes of difficult discernment: is it not, they say, contrary to all reason, that less than 7,000 electors should return a majority of the electors of seven millions of people? Is it not unjust, in the highest degree, that twelve electors should return twelve members of parliament, when the whole city of London returns but four? Is it not the excess of folly that places without inhabitants and without houses should have representatives in parliament, when Manchester, Leeds, and Birmingham have none? Sir, the people know not in what sense of the word the late House of Commons could be called their representatives, when their language (say they) was alien to our sentiments, and their conduct abhorrent to our wishes.

The noble lord tells us, that the late House of Commons was not charged with being too much subject to the influence of the crown—they were not dissolved for this crime. Sir, the late House of Commons were accused of not speaking the sense of their constituents: this was the offence for which they were dissolved. From the dangerous designs of that House of Commons, the interference of the crown has fortunately saved us: but let us not therefore think that the constitution is secure; for what if the crown at some future period should join with the House of Commons against the people? What if the illegal decrees of the House of Commons should be supported by the army, those peace officers as they have been called, with bayonets in their hands? Where then will be found the boasted security of the British constitution? Where then will be the difference between the freedom of England and the slavery of France? The noble lord seems to be impressed with melancholy apprehensions of the danger that may follow the appointment of such a committee as the motion before you describes; for my own part, I cannot think so irreverently of the House, as to believe that the number it contains of wise and moderate men is so small as not to furnish the very few that are requisite to compose a select committee. I am confident that a large proportion of the House consists of men whose zeal is tempered with prudence, whose ardour is guided by knowledge, and who think that were they named to such a committee, their business would be, not to invent systems of ideal unattainable good, but to point out to the House the defects in the present state of the representation of the people, and to suggest such remedies to those defects as are best suited to the laws, and most consonant to the genius of the constitution. Some gentlemen have objected to the motion, from an idea that the present is not the season for deciding on business of such infinite importance. Sir, I am convinced that a reform in parliament is a matter of immediate necessity; for, when the executive power of our East India dominions shall be placed in the crown, and nowhere else can it be constitutionally placed, who does not foresee, that without a reform in parliament, an overwhelming influence will bear down the strongest barriers of the constitution? The noble lord will advise us to vest the government of our India possessions in commissioners appointed by parliament, and to give executive power to the delegates of the people; but God forbid that his advice should be followed, for that would be to destroy the very foundations of our government, and to break up the very ground on which the constitution stands. On the

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other hand, it equally concerns us to beware of increasing the power of the crown, without strengthening at the same time the fences of the people's freedom. To avoid the evils of this unhappy dilemma, that of an immediate surrender of our constitution on the one hand, or on the other, that of destroying the balance of its powers, which must ultimately terminate in its ruin, no other way presents itself to our choice but that of shortening the duration of parliaments, and guarding against an increase in the influence of the crown, by reforming the representation of the people.

Mr. *Martin* said, that as a sincere and zealous friend to a thorough reform in the representation of the Commons of this realm, he could not refuse his assent to the motion; that he thought a committee, composed of intelligent and respectable characters, might do much to facilitate and promote so desirable an object. He trusted that on this occasion the right hon. gentleman at the head of administration, and the right hon. gentleman on the other side, would both afford their hearty assistance; he declared that he had not the least doubt of the sincerity of either of those gentlemen in their professions on this subject, but that he did not think either of their plans, if he had rightly understood them, sufficiently extensive. He would advise the worthy alderman to encourage a general association of those who were now unrepresented in this country; that they should establish a general correspondence, and claim their right in a peaceable and constitutional, but a firm and determined manner. He believed that every man in the country who gave any attention to the subject, must be more and more convinced of the baneful effects of the present system of electioneering; he said, that it was his idea that we had been growing worse and worse ever since the constitutional practice of paying the representative in that House had ceased, that instead of being paid by their rightful masters, they had got into the dirty custom of taking vails, which amounted to a good deal more than lawful wages. He said that he sincerely believed that representation would never be what it ought to be, so long as men continued so eager for seats in the House, and that such eagerness was productive of more evil to the morals of the people, and to the country in general, in various ways, than could easily be conceived by those who had not observed it with attention. He was persuaded that if gentlemen would but reflect coolly and frequently on this subject, they must be deeply affected by the extent of the evil. He conceived that the great opposition made to this reform, arose chiefly from groundless apprehensions; that gentlemen of weight and consequence in the country were apt to imagine that such weight and consequence would cease, or at least be much diminished, if it were to take place; but that he, on the contrary, did verily believe that those who should prove themselves worthy of public confidence, would, in case of an effectual reform, obtain their seats, and hold them with much less difficulty than they did at present. If the question on the table should be carried, he should exceedingly rejoice, as he thought it would be the means of having the business deeply and thoroughly investigated by men of character and abilities. He was very certain that the more the subject was examined, the more clearly it would appear, that by much the greater part of our public and private distress had arisen from the evil of electioneering influence and corruption; but that he heartily wished that such a committee should be appointed as an assistance to the public in inquiring into this interesting matter. He conceived that the regulation of representation ought to be in the people at large, and that the House had no right whatever, according to the principles of our constitution, to dictate as to the manner of election, or the duration of their delegation; that the representatives having too long assumed that power, they seemed to have forgotten the relation they bore to the people, of whom they were the creatures, and by whom they ought to be chosen in such manner, and for such space of time, as the people might think best.

Mr. *Pitt* declared he most undoubtedly should not take the advice the noble lord had been so obliging as to give him, having solemnly pledged himself to bring the subject under the consideration of the House early in the next session, whether the present motion succeeded or not. He ascribed the long continuance of the American war, and that very circumstance being the means of keeping the minister in place, to a corrupt system which owed its origin to the want of a reform in the state of representation. He charged the last parliament obliquely with unconstitu-

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tional conduct, and imputed the late dissolution to that circumstance. He joined in admitting the impracticability of universal representation, as projected by his grace of Richmond; but he declared, that the absurdity of that scheme was no reason why every hope of hitting upon a practicable reform should be abandoned and deserted. He said, lord North's declaration, that the sense of the people could only be collected within those walls, tied him down as it were to vote for the motion, and support any endeavours to have the sense of the people correctly spoken in the House of Commons.

Mr. *Dundas* began with a complaint of Mr. Pitt's having, while he had professed to avoid entering too deeply into the discussion of certain topics, from a desire not to divide the friends of the motion, handled others with a severity that betokened no very studious endeavour to conciliate the minds and secure the cordial co-operation of his supporters. Mr. Dundas, after this exordium, stood forth the defender of lord North from any imputation of particular blame for having carried on the American war; the noble lord, he said, found the war begun when he took the lead in government; it was then a popular war; and where was the minister to be met with, who would have dared to have dropped it? He declared himself averse to the motion under consideration, because it professed not to have any end in view that could be attended with the least possible good. It would obtain no information for the House, but what the House already possessed. That there were rotten boroughs, and that the aristocracy held them, were facts well known already. The only consequence that appeared to him as likely to follow such an inquiry as the motion tended to institute, would be, the establishing by authority the melancholy fact that the constitution we had for ages boasted of so highly, was one continued system of disease and corruption, and that it was impossible for human ingenuity to suggest an adequate remedy. This would create gloomy ideas, and leave the imaginations of the people at large depressed and sunk under their weight. He said, he should have better liked a motion for a committee of the whole House, as in such a committee every single proposition might have been separately discussed and decided upon.

Mr. *Fox* supported the motion. He declared, although he had not before made up his mind to the proposition of shortening the duration of parliaments, what he had seen within the last six months had completely decided his opinion upon the point, and he was now ready to declare that their duration ought to be limited to as short a period as possible. He animadverted on the leading political events that had occurred since last November, and contended, that they all proved the necessity of a free and independent parliament. Upon a House of Commons so formed, depended the existence of every thing dear to Englishmen. He spoke of the uncommon exercise of the royal prerogative by the present minister, and stated, that if the crown had a House of Commons without doors, and a House of Commons within, and played the one off against the other, as interest rendered convenient, occasionally menacing with threats of dissolution, and occasionally alluring with promises of honours and rewards, the people were solely in the hands of the crown and its ministers, and the constitution of the country was not safe for a moment. He compared the present times to the four last years of queen Anne; but declared, if any thing, that the times were now worse. He replied to what Mr. Pitt had said of the American war, and acknowledged that the revival of that topic always gave him pain: he said, he reprobated the conduct of that war as much as ever, but justice required he should admit that neither he nor any of his opposers, at the time that they divided sixty or seventy on a division, ever pretended that it was not at that period a popular war. He charged Mr. Pitt with want of feeling, to which he imputed the manner of his reviving a subject that must create as much disgust in the minds of those who sat near him, as it could possibly do in the minds of others on the side of the House on which he stood at that moment. He contended warmly and zealously for the question, and urged the extreme propriety of the point of time at which it was brought forward. He closed with an earnest exhortation to the House to support a motion, to which there could be no reasonable objection advanced.

As soon as Mr. Fox sat down, there was a violent clamour for the question, and the gallery was cleared of strangers.

Mr. *Burke* with a great deal of difficulty obtained a hearing. He chiefly directed his argument to that part of Mr.

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Pitt's speech in which he had mentioned the American war, and called upon him to shew how the American war originated in the state of parliamentary representation? He put his question in two or three different ways; but before he could proceed farther, he was interrupted, and a warm altercation took place, some of the young members vociferating so loudly as to prevent Mr. Burke from being distinctly heard. At length, after complaining of the indecent and disorderly conduct of a part of the House, Mr. Burke declared he had something to say which he conceived was well worth their hearing, but it was too much for him to stand up against so violent a clamour. He saw he was among a parcel of rocks, the sides of which resounded with the intemperate lashing of a roaring surge, and therefore, though he was past, and had got the better of those feelings, which they who were so stupidly clamorous hoped to oppress him with, he thought it more prudent for the moment to bow to the storm.

General *Burgoyne* rose to express his sense of the conduct a part of the House had just held, and which he declared he could not consider otherwise than as a disgrace to the whole assembly. The general stated, that every individual member had a right to be heard on any question; and in order that every member might obtain that justice, he gave notice, that if on any future occasion he should see any gentleman act in so disorderly a manner as to insult a member upon his legs, he would mention him by name to the chair, that such shameful behaviour might be reported to the House by the Speaker, and receive that censure which it loudly called for.

Lord *Mulgrave* said, he would not at that late hour detain the House by entering into any argument upon the principle of the motion; but as a young member, who had spoken early in the debate, and very ably had declared that the question of a reform of parliament was new to him, and had objected to putting the question then, because he had not had time to make up his mind upon the subject, he thought that a good ground for deferring coming to any opinion one way or another as yet. He therefore moved the previous question.

Mr. *Sawbridge* appealed to the noble lord's candour, whether it was fair to rise at that late hour and move the previous question? The reason which the noble lord had assigned for moving it, did not, in his opinion, bear him out. The noble lord had stated, that he moved the previous question, in order to give a young member, who had spoken early in the debate, time to make up his mind upon the subject of a parliamentary reform, since that subject was quite new to him. The noble lord surely forgot that the member in question, though he had told the House that the subject was new to him, and that he had never thought upon it, had also in the same speech said, that he had consulted his constituents upon it, and that they had expressed no desire that he should support any motion for a parliamentary reform. It was evident, therefore, the subject was not so new to the hon. gentleman as he had stated; and if his constituents were indifferent to the question, he would venture to say that they stood singular in their opinion. With regard to much of the debate, he had a right to declare it had no reference to his motion, which did not go upon any particular specific mode of reform, but was merely a motion that a committee might be instituted to inquire into the state of the representation. That committee, he said, would make a report; and it woud remain with the discretion and judgment of the House to terminate what proceedings, if any, should be had upon the basis of that report. The motion, therefore, bound the House down to no species of reform, but merely put the matter in progress, and would serve to convince the people that the House was serious in its professions of complying with their wishes upon a topic, upon which so much of the expectation of the public in general rested. He earnestly hoped, therefore, that the candour of the noble lord would induce him to deal more fairly with the question, and that he would not persist in his motion.

Mr. *M. A. Taylor* said, the hon. gentleman had misunderstood him. What he had said was this: that he had stood for two different places, at neither of which had he heard any thing from the electors touching the question of a parliamentary reform. That since his election, and very lately, he had been down at the borough for which he sat; that he had then mentioned to several of the leading men of his constituents that a motion on the subject of a parliamentary reform was likely to come on, and had desired to know if they wished him to vote upon such a motion in any particular way. To that question he received not any answer that shewed that his constituents felt very

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zealously about the matter. With regard to his not having made up his mind upon the subject, he certainly had not as yet, having sat so short a time in parliament.

Mr. *Pitt* rose to second Mr. Sawbridge's requisition. He declared that no private opinion of his, that it was not the best possible moment to urge the question in, or the moment most likely to bring it forward with advantage to the cause he had so much at heart, should induce him to do any thing that might look like discountenancing the principle of the question of the day; he therefore earnestly hoped the noble lord would so far comply with what pretty plainly appeared to be the general sense of all sides of the House, as to withdraw the previous question. To move such a question, upon a motion of such importance, was certainly very unusual, and would throw a slur, as it were, upon the question itself, that ought not, in his opinion, by any means to be thrown upon it. If the noble lord could not be prevailed on to withdraw his motion, he cautioned the House that, by voting against the previous question, they might have an opportunity of getting rid of it, and by that means vote afterwards upon the main question.

Mr. *Sheridan* said, that so far from his thinking what had fallen early in the debate from the young member, who had spoken last but one, rendered a previous question either necessary or proper, the motion of the worthy alderman appeared to him to be exactly adapted to the situation of the honourable member; because the motion was not a motion for this or that particular mode of reform, but a motion for the appointment of a committee to inquire into the state of the representation. From that committee the hon. gentleman might learn facts, upon a knowledge of which alone he could form an opinion and make up his mind; he hoped, therefore, the noble lord would not persist in his motion for the previous question. From the noble lord's well-known candour, he was inclined to hope he would withdraw it; and indeed he had another reason for thinking so, which appeared to him to be a very forcible one, and to be likely to operate more upon his mind than any other he could suggest, and that was a consideration for the character of the Chancellor of the Exchequer. That right hon. gentleman had supported the motion so ably and so vigorously in the course of the debate, that he was himself perfectly convinced that the right hon. gentleman, notwithstanding he might not, in his own private opinion, think that the best moment for bringing the subject forward, was sincerely a well-wisher to the motion, and a real friend to a sober and temperate parliamentary reform. What a risk, then, would the noble lord put his right hon. friend to, if, by moving a previous question at that late hour of the night, he afforded the public room for suspicion that such a motion was made collusively and with the right hon. gentleman's connivance.

Lord *North* saw nothing improper in moving the previous question; there were two descriptions of persons about to vote that day, those who thought with him upon the subject, and were enemies to any and every alteration of the constitution; and those again who were not averse to the principle of a reform, but thought that not the fit time for it. Now the previous question would suit either of these descriptions, and therefore it appeared to him to be highly proper. With regard to the motion's suiting the young member who had not made up his mind upon the subject, he could not see how it would suit him, because if he went to the committee, he might hear something of different modes of reform, and which of them the majority of the committee might approve, but it could not enable him to make up his mind in favour of which he ought to decide.

Mr. *Sawbridge* charged the noble lord with having intirely misapprehended his motion. There was no such word as reform in the whole motion; the motion was merely for a committee, and therefore undoubtedly might fairly be voted for by the young member.

Mr. *Wilberforce* sincerely wished the hon. alderman had not brought on his motion that day, because being a hearty and zealous well-wisher to a parliamentary reform, he should have been glad it had come on at a better season. So determined, however, was he to do nothing that might look like a wish to discountenance the principle of the motion, that he would certainly vote against the previous question.

Lord *Mulgrave* said, that his candour had been appealed to in a manner he thought rather extraordinary. What had candour to do with the question? Was there any thing unfair in his moving a previous question upon a motion, the friends of which were violently divided in

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opinion? With regard to the injury his persisting in the previous question might do the character of his right hon. friend, he had no idea of that being possible; his character was too firmly established to be shaken by so slender a circumstance, though he had heard the prophetic misrepresentation and the invidious comment that was intended to be put upon it. His lordship disdained the imputation of collusion, and said, if there was any crime in proposing the previous question, the noble lord in the blue ribbon was his accomplice in that foul crime; that noble lord was too manly a character to warrant any suspicion of an undue motive for what he had done; he should therefore persist in his motion.

Mr. *Sheridan* rose again to complain of lord Mulgrave's having talked of prophetic misrepresentations and invidious comments. No part of what had fallen from him justified such insinuations. He had declared he was perfectly convinced of the sincerity of the right hon. gentleman, and had deprecated the consequences that might follow from any of his friends moving the previous question. People without doors who were not perfectly apprised of all that had passed in the debate, might conceive that it was a trick, and that the previous question was moved with the right hon. gentleman's concurrence. It was in order to avert this misconstruction that he had exhorted the noble lord not to persist in his motion; and he had been not a little induced to press the withdrawing of the previous question, from the Chancellor of the Exchequer's having himself been the first to declare, that disposing of the motion by the previous question, was casting a slur upon the very important topic to which it bore so immediate a reference.

Sir *F. Bassett* did not wish the previous question to have been moved, because he was desirous that a direct negative should be put upon the main question, in order that it might be laid at rest for ever; being decidedly of opinion, that any alteration in the state of parliamentary representation would prove highly dangerous and destructive to the constitution.

Mr. *W. Grenville* said, he was not only extremely sorry the previous question had been moved, but he had hoped the noble lord would have been prevailed on to have withdrawn it, because his wish was, to have the sense of the House taken upon the motion for a committee, when he meant to have given it his negative; and he flattered himself, that the subject of a parliamentary reform, as far as it could in the nature of things, would have been put to sleep for ever. He said farther, that greatly as he admired his right hon. friend, and greatly as he revered his splendid abilities, he should have lost much of that admiration, and much of that reverence, if he could have entertained so poor an opinion of him as to have thought him capable of expecting a servile compliance with his particular sentiments on every great and important question. He had no such opinion of him, and therefore he rose to declare that he was an enemy to the principle of the original question, and that he should vote against the previous question, in hopes of being able to give his negative to the main question.

The previous question being put, the House divided:

	Tellers.	
Yeas	Mr. Alderman Sawbridge Mr. Robert Smith - -	125
Noes	Mr. North - - - - - Mr. Eden - - - - -	199

So it passed in the negative.

Motion for the Repeal of the Receipt Tax.] June 18. Mr. Alderman *Newnham* rose to move for the repeal of the Receipt-tax. He expatiated on the right of constituents to instruct their representatives, and stated in what cases a representative ought to obey such instructions. The tax, he said, was particularly burthensome to the city of London, as so much more business was done there than in any other place in the kingdom. His constituents, who had instructed him to move for a repeal, spoke not from any desire to spare themselves; they would cheerfully pay their proportion of any other tax that should be substituted in its room, but this they considered as vexatious and injurious to commerce, which was their reason for wishing to have it repealed. He concluded with moving, "That leave be given to bring in a bill to repeal so much of the Act passed in the 22d of his Majesty as imposed a tax on receipts."

Mr. Alderman *Sawbridge* seconded the motion.

Mr. *Pitt* said, that when he heard the tax was disliked it gave him great concern, and if a better could be proposed, he should be glad to repeal the one and adopt the other. In consequence of the regulations that the legislature had made

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upon the subject, the tax had been rendered infinitely more efficacious than it had been, and it was now growing more and more productive. About 12,000*l.* had been received upon it in town only since the 24th of March, when the new Bill commenced its operation; its produce, therefore, as far as had been seen at present, amounted to 100,000*l.* a year; and as he could not conceive it had yet had a fair trial, he was inclined to believe that its produce would continue to increase, and become a still greater object than it was already. He believed that it was growing less unpopular, and that the prejudices raised against it were diminishing daily. To give up a tax so productive, therefore, so important in its produce, and so equal and so easy in its burthen, at a time when other new taxes must necessarily be imposed, and when we had no resources to waste, would, he flattered himself, neither be deemed prudent nor advisable by the House. For that reason, he should think he did no more than his duty in opposing any motion that had the repeal of the Receipt-tax for its object.

Mr. *Fox* said, he rose to express his satisfaction at what had fallen from the Chancellor of the Exchequer, and to point out to the House the extreme absurdity as well as the infinite inconvenience that it was obvious must arise, if members on every occasion, without consulting their own judgment at all, paid obedience to their constituents. It was plain, from what had passed that day, that as every tax would be found irksome to some description of people or other, members would constantly be instructed to oppose every tax that could be proposed. The consequence would be, if the opposition prevailed, the new tax of one year would be forced to be repealed the next, and so on *ad infinitum*, by which means the finances of the country must be totally ruined. He was happy therefore to see the right hon. gentleman stand up and oppose this attempt to obtain a repeal of the Receipt-tax; and he could not sufficiently applaud the candour of his admission, that the tax, like every other new tax, was liable to no other imperfections than such as were inseparable from all experiments. A better tax, a tax more just and less oppressive, he, in his conscience, believed had never been proposed. That it would become more and more productive he also verily believed, and he had as little doubt but its popularity would daily increase. That it had been exceedingly unpopular was certainly the fact, and that those who projected it had suffered for it, he well knew; for upon his canvass he found a great number of those whom he could not help calling his constituents, extremely averse to it, and firmly of opinion that it was a bad and oppressive tax. Their prejudices, however, he had no doubt, would wear away; for the fact was, that while the tax was not paid, it was pretty generally affected to be clamoured against, and was deemed unpopular; whereas the instant such regulations were made as enforced the payment of the tax, it became less unpopular. Mr. Fox declared, that if Mr. Pitt had expressed an intention to consent to the repeal of the tax, highly as he approved of the tax, he should not have opposed its repeal, because he should have so much confidence in any person in his high office, as to have taken it for granted that he would not consent to repeal one tax, without having another to propose that would at least prove equally productive.

Several members spoke on both sides; after which the House divided: Yeas 29: Noes 118.

Repeal of the Duties on Teas—New Window Tax.] June 21. The House having resolved itself into a Committee, to consider further of the laws to prevent smuggling, Mr. Chancellor *Pitt* rose. He observed that the illicit trade of this kingdom had of late years been carried to an amazing height, and very alarming to the revenue in many of its branches, but more particularly in the article of tea. This was said to be the staple of smuggling; for though the trade extended to a variety of articles, yet tea was so much the usual material, that if any means could be devised to prevent the smuggling of it, the other and lesser branches would hardly give importance to the practice, especially after the regulations which were now projecting. That tea was the staple of smuggling would strikingly appear from this circumstance, that though no more than 5,500,000lb. weight of tea were sold annually by the India Company, it appeared from good authority, that there were consumed annually in this kingdom from 12 to 13,000,000lb.; so that the illicit trade in this article was more than double the legal trade. To meet this evil, and remove it, it had struck the Committee, that the best possible plan for that purpose was to lower

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the duty on tea to such a degree, as to take away from the smuggler the temptation to carry on an illegal trade: this idea met his hearty approbation; but as the revenue could not afford a diminution at present, it would be necessary to propose a new tax as a substitute, in order to raise as much money as would be lost by the lowering of the duty on tea. The amount of the duty on tea at present was between 7 and 800,000*l.* it was his intention not to raise upon tea in future above 169,000*l.* so that there would be a falling off of at least 600,000*l.* per annum. His reason for lowering the duty at all, was, that he might take away the temptation to smuggling, by diminishing the profits of it; but there was no occasion in order to effect this purpose, to take off the whole of the duty: the nature of the illicit trade was pretty well understood; the market price of tea in the foreign markets was well known: it was well known also, that the price of insurance, in so hazardous a trade, and the freight, were about 25*l.* per cent. to the shore; that the insurance for the inland carriage on it in this kingdom was about 10*l.* per cent more; and the profit upon the whole he would not reckon at more than five per cent. because the voyage from the continent to England might be very often repeated in the course of the year, so that the 5*l.* per cent. might, upon the whole of the smuggler's capital, be reckoned in the end at 40*l.* per cent. per annum. From the expenses attending the sea and inland insurances, freight and profit, it was clear that the smuggler must sell at 40*l.* per cent. above the prime cost. Now, his plan was to take off all the excise duty on tea, and impose a custom duty of 12*l.* 10*s.* on Bohea tea; this, he apprehended, would ruin the smuggling trade in that article: on the finer kind of teas he would lay higher duties; 15*l.* per cent. on Souchong, &c.; 20*l.* on Singlo and Hyson, and 30*l.* on Congo. The quantity of tea legally imported into this kingdom, appeared from the Company's sales; the quantity sold for exportation at Canton in China was easily ascertained; the consumption of the different countries on the continent was pretty well known, which deducted from the quantity sold at Canton, it was evident that the rest must be brought into England, and from this calculation he estimated the home consumption at 13,000,000lbs. There was another way of estimating it. He reckoned the people of England to be in number 6 million, in which calculation he knew he was considerably under the mark; of these, about 2 million would, according to his plan, be relieved from the payment of the present duty on tea, without being obliged to contribute a farthing towards the tax which he should propose as a substitution: the other four millions he calculated would, one with another, consume 3lb. of tea each in the year; for each pound of which they pay at present, on an average, 2*s.* 7*d.* duty: the duty, or the principal part of it, being taken off, they could afford to pay to a substituted tax, which he proposed to raise in this way: on every house with 7 windows, and which house was also rated to the house-tax, he intended to lay an additional tax of 3*s.* and so on charging 8*s.* for every house of 8 windows, 9*s.* for those of 9 windows, 10*s.* 6*d.* for those of 10, and so on, adding 2*s.* 6*d.* for each window up to 24; and still rising up to 180 windows, for which 20*l.* per ann. should be paid over and above the duty at present paid on windows and houses: this would produce above 700,000*l.*; so that with the new duty on tea, the produce would be near 900,000*l.* By this plan the public revenue would be considerably a gainer, and yet the people would have no reason to complain of additional burthens, as they would be savers by the plan. For instance, a house which should be rated at 10*s.* 6*d.* would have a number of inhabitants sufficient to consume 7lb. of tea at 7*s.* per pound, which would come to 1*l.* 5*s.* 10*d.*; the whole of which being taken off, and, in lieu of it, a tax of 10*s.* 6*d.* being laid on, there would be a saving to the family by this new mode of 15*s.* 4*d.* In England, Scotland, and Wales, there were 682,077 houses, which might be divided into the following different classes:

Under 7 windows each, 286,296; from 8 to 10 ditto, 211,483; 11 ditto, 38,324; 12 to 13, 24,919; 14 to 19, 67,652; 20 and upwards, 52,652; in Scotland, 17,734. Of these, about 200,000, as being excused from the house-tax, would pay nothing to this new tax, and the inhabitants, being the poorer sort, would be delivered from the duty on tea. The great benefit, then, that would arise from this new regulation, would be, in the first place, the checking, or rather the absolute ruin, of the smuggling trade. Another benefit would be, that the fair trader would be relieved in a great measure from the disagreeable visits of excise officers: the India Company

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would also be benefited in an eminent degree, by having to supply the whole kingdom with tea, when smuggling should be got under, instead of less than one half; or in other words, would find a vent for 13,000,000lbs. of tea, instead of 5,500,000lbs: and two happy consequences would flow from this circumstance; that the Company would be enabled to take twenty more large ships into their service, and find employment for 2,000 additional seamen; a circumstance in itself of great national importance: a plan, therefore, which had all this to recommend it, and which would increase the public revenue, at the same time that it made a saving to the people, would, he hoped, meet the approbation of the House, and of the nation at large. He foresaw two objections might be started to the plan; one was, that the Company having the market exclusively to themselves, might avail themselves of the monopoly to raise the prices of tea. To this objection he answered, that he did not believe they would do so, because it would obviously be their interest not to do it; for as the smugglers now carried on their trade against the high duties, in this case they would carry it on against the high prices, and that illicit trade would be restored, which it was now the wish of the Company to restrain and destroy. But not to trust to the discretion of the Company, or leave the people at their mercy, he would propose, that if ever the price of tea at the Company's sales should exceed a given price, then the ports of the kingdom should be thrown open for the importation of tea from the continent. Another objection was, that where a person might happen to have more houses than one or two, it would be a hardship upon him to make them pay for them all; in such a case, he proposed that he should pay for two of them; and even then, he said, the owner would be a gainer by the plan. He concluded by moving, "That the duties of customs and excise payable on teas, do cease and determine."

Mr. *Eden* said, that it surely was neither unmanly nor unbecoming to feel a jealousy respecting fair and honest pretensions to the public estimation; when, therefore, he and others had exercised their utmost industry in stating and explaining to parliament, in a printed report, various measures for the purpose of introducing a new system of taxation, and particularly submitted to consideration some months ago, every circumstance which the right hon. gentleman had now brought forward, it was grating to him to be told this day, that the proposition was "in a great degree new." It was, however, a sufficient satisfaction to him to make this remark, and having taken that satisfaction, he would proceed to assure the right hon. gentleman, in perfect cordiality, that if the measure in view, when brought into the House, should not appear more impracticable than it at present appeared, he would gladly give it every assistance; and the right hon. gentleman must prepare himself in such undertakings to receive assistance from every quarter.; for his measure, though possibly not impracticable, was full of difficulties, liable to create much public fermentation, and certain to be the subject of many long debates in that House. There was a merit above all praise in risking such an enterprise without absolute necessity, and in superadding the proposed new tax to the various taxes which a few days must bring forward. A revolution was to be made in a single article of taxation, which at present produced 700,000*l.* a year: the loss was to be compensated by a new tax, which would affect the whole domestic economy of the kingdom: perhaps the change would be advantageous to every honest housekeeper, but it was a subject on which men's reasonings would much vary. The illicit venders and purchasers of tea were well known to be very numerous, otherwise the whole proposition would be idle. In short, it was a measure highly interesting to every class and description, and involving considerations of revenue, navigation, and public credit. It seemed right too, to apprize the right hon. gentleman of a matter which had escaped him, and which perhaps was the only important point to which he had not adverted. All the foreign companies of Europe had recently imported large quantities of tea; it was well known that they were now importing farther quantities, and to an immense amount; in truth, the foreign companies were now regularly applied to the abominable purpose of smuggling into England the fruits of all the rapine which was practised in the East Indies. Under this accumulation of teas on the continent of Europe, the right hon. gentleman must prepare himself for some disappointment; the continent produced but few consumers of tea, and what could not be consumed, would be smuggled into this country, even

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at the lowest prices, and under a great loss upon the prime cost. The lowering of our duties would not prevent it, for it must either be sold to us, or thrown into the sea.

Lord *Mahon* said, that however the quantity of tea in the possession of the foreign companies might affect the immediate success of the measure, it shewed its importance and necessity, and proved his right hon. friend acted wisely in endeavouring to knock smuggling on the head at one blow. [At this moment his lordship inadvertently hit Mr. Pitt, who sat directly beneath him, a blow on the head, a circumstance which caused an immoderate fit of laughter.]

Mr. *Pitt* said, that the noble lord had a peculiar right to speak on this subject, having originally suggested the reduction of duties as beneficial to the revenue.

Mr. *Eden* said it was true the noble lord had first suggested the reduction of duties, but it was such a reduction as no man could follow, in the state of the public finances. The reduction now brought forwards, was a reduction of high duties, accompanied and supplied by a substitution of new duties; the idea was not new in the memory of any man, but it had first been patronized by lord J. Cavendish, under whose auspices the late revenue committee had begun their inquiry.

After a long and desultory conversation, the several resolutions were agreed to.

Debate on Mr. Dempster's Motion for a Committee on the State of the Finances.] June 23. Mr. *Dempster* rose to bring under the consideration of the House the situation of this country in relation to its finances. He said, he would do it in as few words as possible. In order to be concise, he would even run the risk of being obscure, as he hoped he needed only to state what our condition really was, to incite the House to proceed as soon as possible to take such measures for the national relief as to their wisdom should appear proper. Our funded debt he stated at 230 millions; and our unfunded debt he calculated would amount to 30 millions, without the bottom of the war expenses being wound up, besides 9 millions navy bills, and other debts, that would make the whole amount to 290 millions; the yearly interest of which would take 14 millions to discharge: now our national estate, including malt and land tax, and the whole of the sinking fund, amounted only to 13,200,000*l.*; so that there would remain 800,000*l.* to be provided annually to make good the interest. This was a very serious situation, and such as must give every friend to his country great pain to observe; but at the same time it was highly necessary that some means or other should be suggested and taken, in order to extricate us from the difficulties in which our present circumstances involved us. One way of lightening our burthens certainly was, by reducing our peace establishments even lower than they stood at the beginning of the war. To such a position he had not the smallest objection: but still something more must be done to give the country effectual relief, which could only arise from paying off a part of the national debt. He wished therefore to call the attention of the House to that point, and to shew them how much might be done by the application of a single million yearly. According to a calculation made by that accurate calculator Dr. Price, it appeared that by the laying by of a million annually, and sacredly and religiously applying it to paying off a part of the national debt, provided the 3 per cents were changed to 4 per cents (which were much more easily paid off than the 3 per cents) 267 millions might be paid off in sixty years; so that his present Majesty, if his life lasted to about the same length that many of his ancestors had lived to, would in his lifetime have the comfort of seeing his people relieved from all the burthens and expenses brought upon them by the American war; and the heir apparent, whose reign it was to be hoped would be a long one, would live to see the whole of the debt cleared. Mr. Dempster said farther, that according to the calculations of baron Mazeres, it appeared, that if the plan of laying by a million a year was pursued for twenty years, and the country was then under the necessity of desisting from it, that those twenty millions, with the money provided to pay the interest of that part of the national debt that was paid of from time to time, appropriated to the same purpose, would in fifty-seven years discharge the debt. He quoted the authority of Mr. Sinclair in corroboration of his argument, declaring that Mr. Sinclair had very sensibly and clearly shewn in his book what might be done by putting in practice such a scheme as he had mentioned. He said farther, that in order to carry the plan into effect, commissioners ought to be speedily ap-

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pointed: he would not then move for such a committee, but if no minister did in the course of the next session, insignificant as he was, he would himself make such a motion. The sooner it was done the better, and he believed it was in the power of the Chancellor of the Exchequer to begin it even that year, for the East India Company already stood indebted to the public a million; let that million therefore be taken as a beginning, and let the system be regularly pursued. He declared every syllable he had said proceeded solely from the sincere wish he had to see the country extricated from its difficulties. He had no other motive than to prepare the minds of the public to bear the heavy new taxes that he feared must be imposed on them by shewing them that they were unavoidable, and that if some plan was not immediately adopted for the diminishing of the national debt, they could have no hope of being ever relieved from their burthens. He hoped, he said, never to hear of a sponge, as the only means of paying off the national debt; every man in the country ought to take the last shilling out of his pocket, sooner than suffer such a stab to the credit, and such a disgrace to the honour of Great Britain. Having said thus much, he would speak more immediately to a motion he meant to make before he sat down, and that was, for a committee to be appointed to inquire into the state of our fisheries and our commerce; he wished also that the committee might have power to extend its inquiries to our navigation. At present commerce was heavily burthened, through the clogs put upon our navigation, particularly in that part of the kingdom to which he more immediately belonged; there a vessel could scarcely cross a creek, without being put to as much expense and inconvenience for papers to warrant her sailing, as if she was clearing out for a long and extensive voyage abroad. Mr. Dempster pointed out the absurdity of several of our custom-house regulations, where, in respect to many commodities, a shipper who was about to send a cargo coastwise, was obliged to swear that he would not carry the cargo abroad, although if he had only entered it for exportation, he would have been entitled to a drawback on the same identical commodity. In Scotland, however, the difficulties upon merchants and shippers of goods were infinitely greater, in consequence of there not being at any of the Scotch custom-houses any table of established fees. Mr. Dempster concluded with moving for the appointment of a committee to inquire into the state of our fisheries, navigation and commerce.

Mr. Chancellor *Pitt* said, he trusted the state of the country, in respect to its finances, was sufficiently felt by them all, to render it unnecessary for him to say any thing by way of strengthening the impression; neither did any thing the hon. gentleman had said on that head require any very minute discussion at that moment. He gave the hon. gentleman his hearty thanks for the manner in which he had brought the subject forward. It was most undoubtedly true, that, without finding a surplus for the sinking fund, it would be impossible for this country to look for relief; to the provision of that surplus his views had been directed from the first moment that he was able to consider a question of finance; and since additional taxes must unavoidably be laid on the public, he trusted the people were determined manfully to look their situation in the face, and cheerfully to bear those burthens which the exigency of affairs rendered absolutely unavoidable. There was one assertion, however, made by the hon. gentleman, in which he could not concur, and that was, that the whole of the sinking fund was absorbed: it was true that the deficiencies of late years had been extremely large, and those deficiencies had been made good out of the sinking fund; but the sinking fund itself had been gradually improving and increasing for many years. This he thought necessary to declare, lest an idea might go abroad, that our situation was worse than it really was; and bad, indeed, should he have thought it, had the fact stood exactly as the hon. gentleman had stated it. With regard to the motion, he feared that in its present form it would open so extensive a field for inquiry, that it would operate against the purpose for which it was made, and serve only to rivet and fix on the minds of the public additional proofs of the necessity for regulation and reform in a vast variety of important particulars, without enabling the House to take decisive measures respecting any one of them: he submitted it, therefore, to the hon. gentleman, whether, in their present situation, it would not be more prudent to narrow the ground of inquiry, and to select some particular object which might be investigated, and respecting which regulations might be

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provided even in the course of the present session. Many of the points to which the hon. gentleman had drawn the attention of the House, had been for some time under consideration, and the inquiries respecting several of them were so near completion, that something was intended to be proposed upon them very shortly. The burthens upon commerce, from Custom-house regulations in particular, had been, as it was well known, long under consideration; the fisheries, therefore, seemed to him to be the object which it would be proper to select for inquiry.

Mr. *Dempster* said, he had no objection to alter his motion agreeably to the right hon. gentleman's intimation. He would not at that time enter into a premature debate upon finance, or, he flattered himself, he could shew that his assertion respecting the sinking fund was well founded.

Mr. *Hussey* was glad his hon. friend had consented to alter his motion, because, undoubtedly, had it gone so extensively as it stood at first, it would have been liable to objection. He supported Mr. Dempster's assertion respecting the sinking fund, observing, that he had obviously not meant that there was an end of the sinking fund, but that the whole of its produce had of late been applied in aid of the taxes provided to raise the money to pay the interest of the national debt. Mr. Hussey reasoned upon the necessity of paying off a part of that debt, as the only possible means of obtaining relief from our burthens. He approved of the idea of appointing a committee for that purpose, declaring it would be extremely wrong to trust those with the management of the discharge of the debt, who had been instrumental in its accumulation. He threw out a hint, that one way to lessen the debt would be to lower the interest; this, he said, he was aware could not be done without the consent of the public creditors: but he hoped every body would concur in lending a hand to so necessary a work.

Mr. Chancellor *Pitt* said, that much as he thought the particular application to the consideration of all questions of finance, that distinguished the hon. gentleman who spoke last, deserved the thanks of that House and of the country, he could not suffer a single word to fall from that hon. gentleman, at which his feelings and his judgment revolted, without rising to take some notice of it. So far was he from according with the opinion just hinted by the hon. gentleman, that although he was most sincerely anxious for the diminution and discharge of the national debt, he hoped a means of effecting those desirable purposes might be found, proceeding upon principles consistent not only with the national credit, in the technical sense of the word 'credit,' but consistent likewise with the national honour; and that no idea of lowering the interest of the public creditor, or of consenting to lower it, even should the public creditor be willing to accede to such an alteration, would ever be entertained, much less proceeded upon.

The motion was amended as follows: "That a committee be appointed to inquire into the state of the British fisheries, and into the most effectual means for their improvement and extension: and report the same from time to time, with their opinions, to the House." It was then put, and carried.

Debate in the Commons on the Budget.] June 30. The order of the day being read, the House went into a committee of Ways and Means. Upon which,

Mr. Chancellor *Pitt* rose to open the budget of the year. It was a task, he said, which no man would covet, and which every man would believe was a task of necessity and not of choice. The necessity of the country rendered the business of this day more heavy, and consequently more irksome than it ever was on any preceding occasion to any minister; and he undertook it with a perfect sense how unequal he was to the task, and how much he stood in need of the indulgence of the House. He had one comfort, however, which was, that he found this necessity in the office which he filled; he did not create it; it was entailed upon the office by those who were his predecessors, and it became his duty to enter on a most important weight of finance and taxation. He had confidence in the good sense and patriotism of the people of England, that they would provide for the necessary services of the year, as well as for the remainder of that heavy load of debt which we had so unfortunately incurred in the course of the last most expensive war. We must meet our situation fairly; we must look it in the face; and he should consider himself as wanting in feeling, duty, and gratitude, if he should decline, from motives of personal security, the

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irksome office of winding up the accounts of the war, and closing them by the provision of taxes that would answer the whole of what we owed. It was certainly a most unpleasant thing to propose a loan in a year of peace; but gentlemen would remember, that it was yet but the second year of peace, and that yet we had not been able so to regulate our establishments as to know precisely what would be the amount of our civil expense. He could assure the House, that his Majesty's present ministers had attended with the utmost assiduity to the reduction of every branch of the expense of government, and he trusted the benefits of those reductions would be felt. In the mean time he threw himself on the generosity and candour of the House while he proceeded to state the business of the day. It was first his duty to state the amount of the services of the current year, shewing what were already provided for, what were already voted, and what yet remained both of supply and ways and means to be brought forward. It was, secondly, his duty to state the amount of the unfunded debt, and the mode which he proposed to settle that most important account. And, thirdly, he would state to the committee the taxes which he proposed to move for, as likely to produce the necessary annuities for the loan as well as for the unfunded debts.

And first, he should state the amount of the current services of the year. The navy amounted to 3,159,690*l.*, the ordnance to 610,149*l.*, and the army to 4,064,594*l.*, from which, however, there was to be deducted a sum of savings amounting to 423,000*l.*, which had been voted in a former year, but which were saved; the actual sum of the army, therefore, was 3,640,814*l.* for the service of the current year. The deficiencies amounted to 167,670*l.* The sum of Exchequer bills in circulation was 2,500,000*l.*, and which, in stating the current service, must be provided for; though it was his idea, that for the present session they might be provided for by issuing an equal number; besides, there were already voted for the Levant Company, 11,830*l.* and two other small sums, which made the whole of the services for the year already voted amount to 8,843,310*l.* and for which the House had only provided 2,750,000*l.* by the Land and Malt-tax bills. Besides this sum there were yet various things to be taken into the notice of the House, as yet to be voted for the service of the year. There were two millions due to the Bank of England, which they had lent to the public as a douceur for the renewal of their charter; but he had such confidence in the patriotism and public spirit of that company, and in their desire of assisting the nation whenever they could do it without injury to their own interest, that he believed means might be found to satisfy the Bank without repayment of the sum this year; but it was to be considered in the amount of the services. There was a sum of 120,000*l.* wanted to replace sums voted out of the civil list by addresses of the House. In speaking of the civil list he must also inform the House, that notwithstanding all the care which had been taken to make it equal to the expense, there was yet an accumulating arrear which would oblige ministers to come to the House, and which would in future be stated to them at large. The next service to be voted was 25,000*l.* for Somerset-house; and there were several other services, such as the government of Nova Scotia, and the African company; and altogether the amount of the current services would be no less than 14,181,240*l.* Towards this sum the House had already granted the Land and Malt-taxes; the two millions due to the Bank would be postponed; the sum of the Exchequer bills would be provided for by issuing of the same quantity. He would take the sinking fund up to the 5th of April 1785 for no more than one million, and he was well warranted in saying, that for so much it would certainly be productive, He was also to state there were in the Exchequer the sum of 100,000*l.* of surplusses, which would go towards the services of the year. These, therefore, making altogether upwards of eight millions, there would remain six millions still to be provided for.

It was undoubtedly, he said, an ungracious thing to be under the necessity of borrowing money in peace; but, as he had already stated, we were so lately relieved from a burthensome war, that we were not yet able to level our establishments. In settling a loan for this sum of six millions, he had carried into execution what he had suggested on a former occasion, a fair and substantial competition between two sets of money-lenders. It was settled that the lenders should receive 100*l.* of 3 per cents.; 50*l.* of 4 per cents; 5*s.* 6*d.* of long annuities, and three-fifths of a lottery ticket in a lottery of 36,000 tickets, for every 100*l.* which

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they advanced. He trusted that the House would consider these terms as beneficial. By the latest accounts from the Stock Exchange the day before the 3 per cents were at 59½, from which, in settling the terms, 1½ was to be taken as the half year's interest then due; and therefore allowing in both the fund for this interest, the terms which were settled were as follow: 100*l.* of 3 per cents taken at 57*l.*; 50*l.* of 4 per cents 37*l.* 8*s.* 9*d.*; 5*s.* 6*d.* of a long annuity, valued at 4*l.* 17*s.* 11½*d.* Those together amounted to 99*l.* 19*s.* 2½*d.* And this in fact was all that the public had to pay; but it was not all that the money-lenders were to receive. The lottery ticket was not out of the public pocket, but it was a valuable douceur. The three-fifths of a lottery ticket was valued at 2*l.* 8*s.* making 102*l.* 7*s.* 2½*d.* In calculating this matter, it might perhaps also be taken into the view of the House, the benefit which the money-lenders might gain by the discount. This was only a probable gain, since it depended on their prompt payment. He would, however, state what that discount was, that the House might be in possession of the whole of the douceur. According to the terms of payment in his motion, the discount would amount to 1*l.* 7*s.* 2*d.* And therefore the whole sum thus stated would be for every 100*l.*, 103*l.* 14*s.* 4½*d.*

These, he said, were, in his mind, terms ample and sufficient for the money-lenders, and beneficial to the public. He thought that the competition had been productive of much good. He assured the House, upon his honour, that not one shilling of the loan was reserved by him. One condition of the bargain, before it was struck, was, that the holders of the loan should have the exclusive distribution of it, and that the only reserve should be the usual sum for the public companies.

The next object to which he desired to draw the attention of the House, was the unfunded debt. It was his most anxious wish to have brought forward and provided a fund for the whole of this debt; the amount of the unfunded navy was 13,000,000*l.*, Ordnance, 1,000,000*l.* He wished, he said, to have funded the whole of this sum, that we might have wound up the account of the war, and by that means be able to see the whole of our situation, and have the comfortable reflection that we had reached the end of our exigencies. This was his anxious desire, for the purpose of establishing our credit, and of shewing the world that we were equal to the engagements into which we had entered. The money-lenders, however, and other gentlemen conversant with the Stock Exchange, with whom he had treated on the subject, assured him that such a quantity of floating stock coming into the market must materially affect the price of the stocks, and that in particular they could not furnish the loan at terms so good. After an arduous effort for the whole, he was obliged to compound the business, and therefore he proposed to fund 6,600,000*l.* of the unfunded fourteen millions.

At the same time, however, as the unfunded debt bore an interest of 4 per cent. it was his intention to propose taxes which should produce the sum of 4 per cent. for the remainder of the outstanding debt which was not now to be funded; so that in a future session, when a fund was to be provided for this remaining sum, nothing farther would be wanted than the difference between 4 per cent. and the terms which it might be judged necessary to give to the subscribers to such fund, on such operation; and this, he said, would not be a difficult task. The weight of the business would now be got over, and the world would perceive an evident and serious disposition in government to support the credit of the country and the faith of the nation. Taking therefore all these things together, the annuity on the sum to be borrowed, and the interest of 4 per cent. on the remainder of the unfunded debt, he had to provide by the taxes which he should propose about 900,000*l.* a year. Of this sum, the annuity on the loan would be 315,000*l.*; interest of the debt to be funded would be somewhat more than 315,000*l.*; and the interest of 4 per cent. on the remainder of the unfunded debt, if it should amount to seven millions of pounds, would be in all 280,000*l.*, making 910,000*l.* It was always his idea, that a fund at a high rate of interest was better to the country than those at low rates; that a 4 per cent. was preferable to a 3 per cent. and a 5 per cent. better than a 4. The reason was, that in all operations of finance we should have in our view a plan of redemption. Gradually to redeem and to extinguish our debt ought ever to be the wise pursuit of government, and every scheme and operation of finance should be directed to that end, and managed with that view. With those sentiments he certainly should have preferred to have settled the loan in

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a 5 per cent. fund; but the money-lenders informed him, that it was too much to bring into the market in any one fund, taking it together with the unfunded debt; and therefore he had only leave to make his option between the loan and subscription, which of the two he would choose to prefer for the 5 per cent. fund; and he made his election of the latter. His reasons were, for choosing the subscription in preference to the loan for the new fund of 5 per cent. first, that undoubtedly the new fund was an experiment, and that if even the experiment should fail, the mischief would be less material in the subscription than in the loan. We might adventure on this new ground with more confidence in the one case than the other. The holders of navy bills and ordnance debentures were already committed; they had already trusted the public; whereas, if this new fund had been offered to the other, we should have had to combat with all the caprices of the money-lenders, and with all the indisposition which he confessed there was in the market to a high rate of interest.

This indisposition of the public to a 5 per cent. fund was given when he threw out this idea before, as the principal argument against the adventure. It was true that it was not so well relished; but the idea of redemption was ever present to his mind. The public ought never to look on redemption as a chimerical idea; for independent of every other advantage, the impression which it gave to the world, the prospect which it held out, and the disposition in ourselves which it manifested, was favourable to our credit. But it was said that the public would object to a 5 per cent. fund, because it might be at any time redeemed without suffering, and the money-lenders had no certainty in such a fund. Might not this however be got over by rendering the proposed fund irredeemable for a stated time? A 5 per cent. fund, estimating it at the present rate of the several funds, might with confidence be supposed to bear the price of 95, and that was the price which it ought to bear. At whatever less he took it, so much more we were obliged to pay upon account of this fund, than what we might transact the business for in the other funds. But he thought we might permit the fund to be taken two per cent. lower, and still make an advantageous bargain for the public. To estimate that fund at 93, and to make it irredeemable for thirty years, the loss would be two shillings; but even with this present loss per cent. we should be considerably advantaged by the redemption at the end of thirty years. There was another plan in his eye, which perhaps he should prefer, and that was to make it irredeemable until a certain proportion should be redeemed of the present existing funds. This, in our present circumstances, he did not consider as an improper idea, for the other funds would now be the most advantageous for such an operation of finance; and certainly of all other funds the 4 per cents. would be the most eligible. It was his idea that this fund might be made irredeemable until 25 millions of the present existing funds should be redeemed.

Having premised this, he said it was his intention to propose to the committee to create a new 5 per cent. stock, irredeemable either for a time, or until 25 millions of the old funds should be extinguished, and to estimate this stock at 93. He had lately given his opinion on the sacredness of public faith, and on the strict regard which was to be paid to every engagement into which we entered. In the settlement of this new fund, regard, however, should be paid to the titles of the several holders of the unfunded debt. Their pretensions were by no means equal; and in order, therefore, to do fair justice both to the public and the holders, it was his idea to divide them into classes. The sum which he proposed to fund would bring down the navy bills to the end of June, 1782. By dividing them into classes of three months each, the principle of fairness might be pursued.

The first class would take in the holders of bills in June, July, and August, 1781; and as they had held them so long in their hands, it was his idea that they should be taken at par, by which they woud have a profit ample and abundant, for it would amount to 8 per cent. To reduce them to a standard of equality, in proportion to the time which they had severally held them, was the object which he had in view; and perhaps to take them at the discount in the market would be a fair way. By the equalizing rule, therefore, the next class containing the next three months of September, October, and November, 1781, should be taken at a discount of 4 per cent; the next three months at a discount of one pound more; and the next and last class, containing 4 months, to bring it down to the period, at a still farther discount of one pound. By this

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means it was that the interest on this 5 per cent. stock would amount to somewhat more than 315,000*l.* a year. He trusted that the House would agree with him in his ideas on this proposition: and he would now proceed to state the taxes which he thought would be proper for the production of this immense sum.

In order to pay the interest of the loan, and the interest of the remaining unfunded debt, an annual sum amounting to something more than 900,000*l.* would be to be raised; he therefore was come at the most painful part of the task he had to go through that day, viz. the proposing taxes to be laid on the public to produce so large a sum. He lamented exceedingly that it should be necessary to impose so heavy a burthen on those who were so deeply laden already, but the necessity was too obvious, and could not be avoided. In selecting such taxes as would produce the enormous sum of 900,000*l.* the task was extremely difficult, and extremely disagreeable. The first object that his duty led him to look to, in the choice of additional taxes, was to hit upon such as should be most likely to be productive; and it was, as the committee must be convinced, impossible to find taxes extremely productive that were not at the same time extremely burthensome. In executing this very disagreeable duty, he had acted to the best of his judgment, and chosen such out of the many that had suggested themselves to his mind, and been suggested to him by others, as appeared to be the most likely to be productive, and at the same time were the most equitable. In hazarding new taxes, a great deal must unavoidably be trusted to experiment; it was impossible, therefore, for any person in the situation that he stood in, to answer for the exact sums they were to produce; all that he or any Chancellor of the Exchequer could do, was to reduce their calculations upon the produce of new taxes as near to a certainty as possible; and after all, a great deal must depend upon trial, whence alone their defects could be discovered, and new regulations applied to assist their collection and increase their produce. There had been deficiencies in all the new taxes, which deficiencies had been in a great degree cured by the subsequent regulations that parliament had from time to time made with respect to those taxes; in like manner must the House proceed with the taxes he was about to propose. One objection he could foresee, and that would be a general one, would be made to the proposition which he meant to bring forward was, that the taxes to be raised were unexampled. He begged gentlemen to consider that the circumstance under which they were necessary, had no precedent in our history. He trusted at the same time that no exception would be thought solid or efficient, which did not by fair and logical deduction outweigh the advantage which must arise from any particular tax on the whole. He doubted not but gentlemen were of opinion with him, that at this time it was impossible to select any tax which would not be an object of dislike to that class of men on whom it operated most sensibly; and therefore when all others were convinced of its utility and propriety, their murmuring ought not to defeat it. That they should prove unexceptionable to that House and to the public, was, he was aware, a great deal more than he had any right to expect; he hoped, however, they would be found so far unexceptionable, that there could not be stated any fundamental objections against them.

Having thus prefaced the mention of them, Mr. Pitt said, the article he meant to propose, as the first of the long catalogue of taxation he had to state to the committee, was an article of such general consumption, that it was almost in universal use; he meant a tax upon hats. The object of this tax, he observed, was of so many different descriptions, that it was impossible for him to follow them, or to apportion his tax according to the various qualities and prices of the hats that were worn by the various orders of persons in this kingdom; he was obliged, therefore, to divide them into general classes; hats made solely of felt, and hats in the manufacture of which there were other materials mixed. Upon the latter, he meant to lay a tax of 2*s.* each hat, and a tax of 6*d.* a hat on these made of felt. According to the most accurate account of the quantity of hats manufactured in this kingdom that had been handed to him, it appeared that four millions were manufactured every year, of which 750,000 were exported. Say, therefore, that three millions were used in the kingdom, and one-third of that number was of felt, and the remaining two-thirds mixed, the produce of the tax would be 150,000*l.* at which sum he took it.

As the tax he had mentioned was upon

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an article consumed exclusively by men, so the tax he was about to mention would affect articles worn as exclusively by the other sex; it was a tax upon ribbons; to which he should add gauzes. In order to come at the quantity of ribbon made in the kingdom, he had procured an account of the number of looms employed in weaving that manufacture, and he found the amount to be more than 25,000*l.*, and that the whole produced 71,136,000 yards a year; allowing, therefore, for the number of looms occasionally unemployed, and taking them at 19,000, the produce would be 120,000*l.*, laying the tax proportionally to the width and substance of the ribbons, from a penny upon a dozen yards, up to a penny per yard.

The third article he would mention, was undoubtedly a necessary of life, viz. coals; but as the duties on coals stood at present, they were exceedingly unequally laid. It was painful to him to tax that, without which we could not subsist: he would trust, however, that the patriotism and good sense of the people would reconcile them to the idea of this very severe burthen; but the aim of this tax was rather to oblige those who did not pay the same duties as were paid by all who lived in London, and who were supplied with coals out of the port of London, than to lay an additional tax on those who paid the high duties upon that article. The last duty imposed upon all coals imported into the port of London, was 3*s.* per chaldron. This had originally been a local duty, it having been imposed to raise a fund for the building of churches in the city. In the original imposition of it, therefore, it certainly was perfectly just to make the city of London, which was benefited by having the churches in question built, bear the expense exclusively; but as soon as the purpose was completed, it was considered as a public duty, and so it had continued ever since: what he meant, therefore, was to lay the same duty upon coals used in inland consumption, and for exportation, which he conceived was nothing more than was perfectly just and equitable, since no duty was paid but the 5*s.* port duty at any other port than that of London, while the port of London paid 8*s.*, and nothing was paid on the consumption of coals unlanded or exported into Ireland. He said, he was aware that it might be objected that this tax would materially affect our manufacturing towns: in order to obviate any objections of that kind, he wished to exempt manufactures of a particular description; those, he said, which had a competition with manufactures of other countries. He thought we ought to stretch every point that our manufacturers, who dealt in articles in which they were likely to be rivalled by others, ought to be able to meet them on equal terms, both in foreign markets and our own. An exemption from the present duty ought, therefore, in his opinion, to be extended to all such manufactures, and to no others. He should calculate the net produce at 150,000*l.*

The fourth subject of his proposed taxes, was a tax upon horses: he said, he meant not to comprehend every description within the view of this tax, but to exempt all horses used for the purposes of trade and agriculture, and to confine it to horses kept for the saddle, or to be put in carriages used solely for pleasure. The amount of the tax he should propose to be 10*s.* a year for each horse; and when it was considered that almost every farmer in the kingdom kept at least one horse for the saddle, it was not too high a calculation to rate the number at 14 in every parish; he estimated the produce therefore of this tax at 100,000*l.*

The next tax he proposed was an additional excise duty on printed and stained linens and calicoes. These articles, he said, were more than 20 per cent. cheaper now than they had been during the war, and cotton was also much cheaper. As the last duties had not at all checked the consumption of these manufactures, but as, on the contrary, their consumption and use were considerably increasing, it appeared to him to be an article that without any detriment would bear an additional duty; he meant, therefore, to propose to the committee, an additional duty of about 10 per cent. according to the quality. This there would be no expense in collecting, and the produce of it he estimated at 120,000*l.*

The sixth article was a necessary of life, and a necessary as indispensable with the poorest as with the richest family in the kingdom: it was an article which however had not been touched since the reign of queen Anne, and which he was seriously concerned that he was under the necessity of subjecting to a new impost: the truth was, nothing but the urgency of present exigence should have driven him to this and several other resources, which how-

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ever, he trusted, would occasion the less uneasiness, as the duty on them would be but small. But although the poor would be affected by it, still what he meant to propose would affect the poor in so very trifling a degree, that he flattered himself there would be no objection to it. What he meant was an additional duty on candles, of so small an amount as one $\frac{1}{2}d.$ in the pound. If he had been rightly informed, about 10 pounds of candles was the annual consumption of the lowest order of housekeepers; the family of our poorest cottagers therefore would only pay *5d.* a year to this tax. He estimated the produce at 100,000*l.*

The next tax he should propose, was a duty to be paid on licenses to be granted to traders dealing in exciseable commodities. This, he said, was a plan that had been recommended by the commissioners of the board of excise, and even desired by many respectable and capital dealers in the sort of goods, the venders of which were to be the object of it. The produce of it he estimated at 80,000*l.* It was a matter of some difficulty to fix the precise price of the several licenses. The distillers, he thought, might be about 50*l.* on account of some advantages which he specified as peculiar to that line of business. Brewers, distillers of vinegar, and printers of calico, might be rated at 10*l.* and a great many other intermediate dealers in the same description of goods, according to the extent and profit of their respective modes of business.

The eighth was a tax on bricks and tiles. There were about 105 millions of bricks made and used in and near London; near Manchester, Birmingham, and in the rest of the middle counties, about the same quantity; and the same quantity again throughout the rest of the kingdom. He meant therefore to lay a tax of *2s. 6d.* per 1,000 on bricks. He estimated the annual consumption at 300 million; the produce he should take at 50,000*l.* only, including the sum to be drawn by a duty on tiles.

The next tax he had to propose, was one upon qualifications for shooting, and upon deputations taken out from lords of manors to kill game. It had not been in his power to ascertain the number of manors in this kingdom; but calculating that there were three people in every parish who qualified themselves to kill game, charging them with a guinea each upon registering their qualification with the clerk of the peace, he should suppose it would at least produce 30,000*l.*

The next was an additional tax upon paper. The quantity of this article consumed yearly had not decreased by the late duties having been imposed, and from its bulk and weight it could not easily be smuggled. He should propose therefore one-third of the present duty, which he estimated at 18,000*l.*

The tenth and last was a tax upon hackney coaches: he meant that the keeper of each figure should pay *5s.* weekly for a license; and when the great avidity with which figures were applied for, he flattered himself this tax would not be thought oppressive. He estimated it at 12,000*l.*

These were the several articles of taxation to which he had turned for the present; he calculated that they would produce 930,000*l.* He apologized for having so long fatigued the committee, but said, he trusted they would see it had been unavoidable: in order not to add to that fatigue, he declared he had purposely avoided going into a full detail of the regulations meant to make a part of the several Bills that would be necessary to be brought in upon the subject of the taxes he had proposed. He only hoped he had been able to convey the respective taxes and the doctrines of finance, that he had taken the liberty to dwell upon, clearly and intelligibly to the understandings of the committee: in the discussion of the subject, he hoped the committee would see that he had done that which his duty directed, without regard to his own inclination or ease. He was not conscious of having left any matter untouched that was important for that House or for the public to be apprized of; on the contrary, he had studiously endeavoured to do what he held to be the indispensable duty of every person honoured with the high office he held, viz. to disguise nothing from the public that affected their real interest, but to bring every particular forward; and however great the personal risk and inconvenience, however great the danger of incurring popular odium, by proposing heavy burthens on the people might be, not to shrink from that painful act of duty, if such burthens were by the exigency of affairs required to be imposed. He concluded with moving his first resolution.

Mr. *Fox* rose, not he said to attempt to follow the right hon. gentleman through the vast field of finance that he had gone

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over, but to make a few remarks on some parts of his speech. Many of the subjects that he had stated, would come under discussion hereafter, and there would be fitter opportunities for debating them than the present; all he wished to say upon the propositions of the day was, that the right hon. gentleman had infinite merit in having brought forward so much of the unfunded debt in the course of the present session as he had done; too much praise could not be given him on this head, and he, for one, was very ready immediately to declare that he was decidedly of this opinion. What he rose more particularly to say was, that he was happy to find the right hon. gentleman had made his loan this year exactly on the principles upon which the loan of the last year had been made; and he hoped that henceforward that House would hear no more of the nonsensical clamour that had been raised, under the fallacious notion that 21 millions of debt had been incurred in order to raise 12 millions of money. In settling his loan, the right hon. gentleman had acted wisely in getting the money for the public upon the best terms he could, without going into the consideration whether this or that particular fund was the most capable of redemption; and when he said this, Mr. Fox desired he might not be so grossly misunderstood, as to have it supposed that he was an enemy to redemption, or that he was adverse to the paying off the national debt; he spoke directly with opposite feelings, and it was with a view of paying, or rather of diminishing our national debt, that he always argued as he had done, that loans ought to be made as well as they could, and that the public ought not, from any prejudice of preference of one fund over another, to be burthened with a larger annuity than was necessary. With regard to the ideas suggested by the right hon. gentleman in favour of a five per cent. fund, his opinion upon that subject was well known; and he begged to have it understood, that it was not in the least shaken by any thing that had been said that day. As to what the right hon. gentleman had said, of making a 5 per cent. fund irredeemable for a number of years, it was undoubtedly the only way to make it fetch its price in the market; but he could not but think that the right hon. gentleman had taken it too high. The price of stocks always depended, in his mind, not upon what price they ought in reason and by fair calculation to bear, but by what they did actually bear, viz. what those who dealt in them, what the money lenders were ready to take them at. Thus, for instance, the right hon. gentleman valued his five per cents. with which he meant to pay off a part of the navy debt, at 95 and 93; he could not but think he rated them too high, and that the navy-bill holder, although he might possibly consent to take them, would estimate them in his own opinion at 90, or perhaps 91. With regard to the right hon. gentleman's argument upon the difference between a 3 per cent. and a five per cent. if the latter was made irredeemable for 30 years, undoubtedly the public paid an annuity of two shillings for that time, for the right to redeem them at the expiration of that period; but the case the right hon. gentleman had put did not depend upon calculation, it was an hypothesis and nothing else. If the funds could be bought up lower at the end of 20 or 30 years, the public did pay an annuity of two shillings for the right to buy them up under that advantage; but if they could not, at the end of 20 or 30 years, be so redeemed at a low rate, the public would have paid the annuity for nothing. The difference between a 3 per cent. and a 5 per cent. loan, Mr. Fox said, was a difference in the one case in favour of the lender, in the other, in favour of the borrower; the former would certainly prefer that fund the least likely to be redeemed, the latter, that most likely and most capable of redemption. With regard to the taxes, indisputably the money must be raised; and so fully convinced was he of this fact, that without meaning to bind any other gentleman to the same line of conduct, he pledged himself to give the right hon. gentleman his support; by which he did not mean to support him in the taxes at all hazards, but as far as upon discussion of the subject in future, the taxes proposed that day should appear to be the best that could be suggested. Indeed, so sensible was he of the necessity of raising taxes, that there were hardly any taxes the right hon. gentleman could have proposed, that he should have thought himself, from the situation he had held, entitled to oppose. When the taxes the committee had heard that day came under consideration, he should discuss them more minutely than it was possible for him to do then. There was one tax, how-

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ever, that he could not but say he thought a strange one, and that was the tax on ribbons. If he took the calculation rightly, to make out the produce of that tax, every individual female, from the infant just born to the adult of any age, must be supposed to consume or use at least 20 yards of ribbon a year [Mr. Pitt nodded assent.] Mr. Fox said, this appeared to him to be scarcely credible. He farther observed, that most of the taxes were upon the direct necessaries of life, which he hoped would convince gentlemen, that the situation of the country was such as required bold and effectual measures to be taken to retrieve it; and that they would join in supporting the minister in carrying those taxes into effect, which were so obviously called for by the exigency of affairs. Mr. Fox asked Mr. Pitt what security the navy holder in the first class who did not choose to subscribe to the 5 per cents was to have for the payment of his bill, and whether in that case a bill-holder of the second class was to stand in the shoes of the first class bill-holder so refusing to become a subscriber?

Mr. *Pitt* said, he would very readily give every satisfaction in his power to the committee, or to the right hon. gentleman who had opened the business in a manner so perfectly liberal and candid. The navy bill-holders who did not choose to become subscribers, would have the same security for the payment of their bills that they had now, and had hitherto had. The public faith was pledged to them for payment of the debt, but the public was not compellable to make such payment but at its own convenience.

The Earl of *Surrey* briefly went through the taxes, most of which he thought unobjectionable; but he seriously advised Mr. Pitt to consider the intended tax upon coals. He stated a variety of objections to it, and said, if the right hon. gentleman persisted in it, it would be warmly remonstrated against from various parts of the kingdom.

Sir *John Wrottesley* professed himself a friend to the Chancellor of the Exchequer, but most earnestly exhorted him to abandon the intended tax upon coals, and to substitute some other. If that tax were to be imposed, it would go near to ruin 50,000 manufacturers in the county of Stafford.

Sir *James Johnstone* highly approved the intended tax on qualifications to shoot and deputations to kill game. Our game laws, as they stood, he said, he had ever considered as a disgrace to the country; they tended to enslave the people by wresting arms out of their hands; but the intended tax would operate as it ought to do, and fall upon the proper objects. He only wished the tax to be double on those who registered their qualifications to shoot; for surely if a game-keeper was to pay a guinea for a deputation, a gentleman might well afford to pay two guineas for the register of qualifications to shoot game.

Sir *M. W. Ridley* argued strenuously against the intended coal duty. He pointed out the manifest inconvenience it would load many of his constituents with, and in particular by drawing so much ready money from them. He asked how was it to be collected? Was an exciseman to be stationed at the mouth of every pit? He also asked, whether the tax was meant to be extended to the collieries of Scotland?

Sir *W. Molesworth* deprecated the coal tax. He declared that the mines in the county he represented could not be worked, if any additional expense was thrown upon them.

After some further conversation the several Resolutions were agreed to.

Debate in the Commons on the Affairs of the East India Company.] July 2. The order of the day having been moved, for the House to resolve itself into a committee of the whole House, to take into consideration the petition of the East India Company, the Report of the court of directors, stating the affairs of the Company, and the Report of the committee of the House, appointed to examine into the facts stated in the Report of the directors, and those papers having been severally referred to the committee, the Speaker left the chair.

Mr. Chancellor *Pitt* then rose and said, that although the papers upon the table involved in them many important and complicated considerations that would necessarily call for a full discussion, yet he did not conceive that to be the proper moment to bring the discussion forwards, or that he should have any reason to take up any great portion of the time of the House in stating what he should think it necessary to say preparatory to his making the motion with which he intended to conclude, which would be simply a motion for leave to bring in a bill for the

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relief of the East India Company. Future opportunities of discussion of all the affairs relative to India and to the Company would offer themselves in the progress of the Bill, and as that discussion must then be held, he should not for the present go much at large into the subject. The rise or the downfal of the Company's affairs was an object that was intimately connected with the vigour or decline of the British constitution, and every effort to extricate them from difficulties was a step towards national independence. Whatever the opinions of gentlemen might be respecting the course that parliament ought to take with the India Company, however involved their circumstances might eventually prove, or however much the regulation of their territorial concerns might be coupled with political disquisition, still it was his duty to enter speedily upon the discussion of their affairs; and he would do it cheerfully, because he was conscious of the rectitude of his intentions. When the measure which he should propose came to be discussed, every circumstance of the Report would come properly into review; and in the mean time all that was necessary for the motion with which he intended to trouble the committee, and on which he apprehended there could be little observation, was the general object of the Report, and the immediate measure which was necessary. In considering this, he would draw the committee to the three principal points in the Company's present necessity.

First, the debts which were due by the Company to the public by the accumulation of duties, and in the discharge of which unquestionably it would be requisite for the public to indulge them for a time. To postpone the duties for a time was certainly an inconvenience which the public could hardly bear; but as it was so necessary to the Company, and as the inconvenience to the public, though material, would not be in any degree to be compared to the injury which they must sustain through the Company, if they should be distressed by forcing the payment; it was therefore his idea, that time should be given to the Company to discharge this debt; but certainly no longer time be given than was actually necessary. The second subject was, the bills which were drawn upon the Company from India, part of which were now accepted, and part lying unaccepted, or of which notice was received. This was a question infinitely more doubtful and delicate than the preceding. It was easy to comprehend the whole extent of the injury which would be sustained by putting off the payment of the duties; but it was not so easy to perceive all the evils which might follow from suffering the Company to accept the bills which were, or which might be drawn in India. He wished to act in this matter with extreme caution; and he should certainly be happy in submitting his ideas, and in governing himself by the wisdom of the House, in striking the medium, and settling how far they ought to go, and where to stop in this business. The third point was the dividend which the Company in their present circumstances ought to make, and which might be regulated in this Bill, so as to enable the Company to act on a certain basis, without applying from time to time for authority to do it in a capricious way.

On the first point, namely, the postponing of the duties, it was his opinion that they should be divided into parts, and that indulgence should be given to the Company to the end of the year 1785, for the last; that is to say, that the duties due up to a certain time should be paid in six months from January next, and the remainder, which might be due at the end of the year, should be paid in twelve months. Shorter time he did not think it would be advisable to give, for it was better to comply with the Company's request in this respect than to tie them down to severer terms, which might afterwards afford them an argument for a fresh application. The right hon. gentleman then proceeded to state his ideas on the subject of the bills. Certainly it was necessary that parliament should proceed with the utmost caution. Bills to a very considerable amount were already received and accepted. Bills to a much greater amount were announced, and more were expected. What was to be done in this business? The Company stated in their Report probable grounds of belief that they would be in circumstances to answer their demands. They exposed what they believed to be the real state of their affairs. They acknowledged their present embarrassments; but they stated the prospects on which they made their application to parliament for leave to sign the bills which were coming home. It appeared that they owed a debt of five millions in India: the accounts of what they had suffered by the war were not yet

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fully made up, nor could their amount be properly ascertained; certainly, however, their circumstances in India were not flattering; but without indulging too flattering ideas on the one hand, or notions too gloomy and dejecting on the other, he was of opinion that there were rational prospects of the Company, and such as would justify the House in authorizing them to accept of the bills of which they had received notice. He must state, however, that this rational hope could only be sustained by the most rigid and inflexible economy. The establishments must pay the strictest attention to principles of reform, and even of parsimony. Orders must be obeyed, and the system amended throughout. There were but two ways of recovering the Company; the one, that their commerce, by the regulations to be made here, should be rendered more productive than of late; or that arrangements should be made in their presidencies, and resources be found there to maintain the expence of their support, without coming on the beneficial part of the Company's trade at home. To accomplish both these objects was what he most desired to see. He had hopes that the beneficial trade to China might be amended by regulations in the revenue laws at home; and he trusted that wise regulations at home, properly enforced abroad, might carry reform through the presidencies. With this view, and in this hope, he was of opinion that the Company should be suffered to accept the bills of which they had received notice, and which were, in truth, necessary to the support of their credit.

It was not for him to dictate to the united wisdom of that House; if it did become him so to do, he would certainly recommend a speedy but prudent generosity. The wisdom of the schemes which were then to be adopted, would for ever determine the consequence of the East India Company. Their future as well as their present credit was at that moment depending, and upon their credit was depending, in an eminent degree, that of the whole British empire. It was therefore incumbent on that House to determine quickly what course they meant to take. He could not suffer himself to think that they would permit the affairs of the Company to become desperate, by an enormous accumulation of bills. He trusted that they foresaw the danger of such an event, and that they would step forwards with prudence and liberality to obviate its consequences. From the late inquiries which he had made into the state of the Company's finances, and from the very ample and satisfactory accounts which he had obtained in consequence of those inquiries, he had no room for entertaining a single idea that the Company would not, at the periods he had mentioned, be able to fulfil every engagement which they had come under to the nation. There might be circumstances, in the progress of their affairs, that might disappoint their best-founded expectations, and render their systems of payment abortive. They might experience drawbacks from the extent of insurances on their ships and goods, or from the loss of ships and goods that had not been insured. These were contingencies, against the approach and effects of which no human sagacity could provide. At that moment they were unseen, and he hoped at a great distance. There was, he owned, a very heavy debt standing against the Company in India: but then he begged leave to communicate to the House, that the aspect of things in that quarter was by no means so unpleasant and gloomy as it had been frequently represented: he could, without giving any high colouring to what now existed in the East, assure this country, that a few years tranquillity, a system of exertion and frugality, would undoubtedly render our Indian possessions affluent and prosperous. He concluded with moving, "That the chairman be directed to move, that leave be given to bring in a Bill for the relief of the East India Company, with respect to the payment of certain sums due to the public, and to the acceptance of certain bills drawn upon the said Company; and for regulating the dividends to be made by the said Company."

Mr. *Francis*, observing that it was proposed to bring in a Bill to permit the directors to accept draughts to a very considerable amount, which they were now by law restrained from accepting, and that the first effect of such an act would be to prevent the bills being protested for non-acceptance, wished to know whether, in the opinion of the right hon. gentleman, the faith of the legislature would be thereby pledged to the holders of the bills in any, and in what degree, to make good the payment, if it should happen that, when the bills became due, the court of directors should be unable to discharge the whole or any part of them. That as

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the bills now proposed to be accepted, with others which would soon stand in the same predicament, amounted to some millions sterling, it was a serious national consideration, whether parliament ought, in any shape, to make itself responsible to the creditors for the payment of their demands. He observed, that Mr. Pitt had expressed a sanguine hope that great retrenchments would soon be made in the Company's expenses in India, and a rigid economy observed hereafter; and that he had argued on this hope, as if it amounted to a perfect security; but that, for his part, he could not conceive on what foundation such hopes of future economy were entertained, unless they were derived from a knowledge of the grossest prodigality and profusion, which, it was not denied, had prevailed and still existed in India. That, with respect to the prohibition of future bills being drawn on the directors, however positive and strict it might be, it would assuredly be found ineffectual; for that, in the case of pressing exigencies abroad, there might be no other resource, and necessity would then compel the Company's servants to have recourse to this measure. The similar prohibitions, in time past, had been as strong as they could be; but that reasons, whether real or exaggerated, had never been wanting for instantly doing the very thing that was forbidden.

Mr. *Pitt* observed, that the hon. gentleman had put a question to him, which any other gentleman was just as competent to answer as he was, because it was not a question that had relation to any fact, but a question that referred solely to a matter of opinion. For him, therefore, to lay down the opinion of the House upon the question, would be an unpardonable presumption; his own opinion was, that the public had no occasion to have any security, because they were not answerable for the debts of the Company. Mr. Pitt declared, he had been perfectly astonished, when on former occasions he had heard it seriously contended, that when parliament empowered the Company to accept bills, it pledged the public faith for the payment of those bills, and was bound to provide for their discharge, in case the Company should fail to honour them when presented. This language was so palpably fallacious, that he imagined those who held it most loudly had not believed what they said at the time. The fact undoubtedly was, the public were in no way affected whatever by the authority about to be given to the Company; for what was the authority in question, but an authority to make use of their own credit and property? What had the public to do with either? They were neither involved directly nor indirectly, it being the credit and property of the Company solely, and not the credit and property of the public, that the holders of the bills considered and accepted as their security for the amount.

Mr. *Fox* said, he was perfectly aware, that when parliament or the lords of the Treasury authorized the Company to accept bills to a greater amount than the 300,000*l.* to which they were limited by the regulating act of 1773, the public was not legally bound, in like manner as a private individual was bound, when he indorsed a bill or a note of hand, to make good the payment in case the person who ought to pay the bill failed so to do; but he must still contend, that when parliament acted as it had done with the East India Company, when it took their affairs wholly under its cognizance and examination, and after that authorized and permitted the Company to accept bills beyond the limit to which they were restricted by a former statute, parliament in that case held out to the public, that it was its opinion, that the bills so accepted might be prudently, discreetly, and safely taken; and by so doing, from every principle of honour and justice, was bound, though certainly not legally bound, to take care that the public should be no loser by trusting to the opinion it had induced them to entertain.

Mr. *Dundas* was extremely happy to find the important point then under discussion agitated so early in the debate. Nothing, he said, could be more certain, than that the public, if the Bill should pass, allowing the East India Company to accept bills to a greater amount than the amount to which they were restricted by the Regulating Bill of 1773, was in no way pledged to make good the payment of those bills in case the Company should fail to discharge them. In order to see this more clearly, gentlemen had only to refer to the cause of the restriction having been originally imposed on the Company, and the manner in which that restriction was to be governed and to operate. In 1773, the question to whom the territorial acquisitions made by the Company's troops belonged, was so far agitated, that

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a claim was set up by parliament to a share of profits made by the Company; and in order that such claim might not be inequitably urged, so as to trench upon what might be supposed to be the clear commercial gains of the Company, it was agreed that they should divide 8 per cent. every year that their aggregate profits amounted to so much; after which the public were to come in for their share, and to divide with the Company equally: but in order to prevent the Company from depriving the public of the right thus established, and in order to prevent them from appropriating the whole remainder of their profits to the payments of bills that might be fraudulently sent over from India, they were restricted from accepting bills beyond a limited amount, without the express consent of the lords of the Treasury. The question then came precisely to this point: from what was it that the legislature had restricted the Company? Undoubtedly, from making the remainder of their profits liable to the payments of the bills accepted by them; in other words, from a free use of their own credit and their own property. Thus much, therefore, he was ready to admit he did, when he gave his consent to the Company's accepting more bills than to the amount to which they were restricted by the regulating Bill, viz. he gave up on the part of the public, their claim to a dividend on the credit and property of the Company, to so much amount as the amount of the bills they might accept; but to say that he pledged the public, directly or indirectly, in any way whatever, to make good the payment of those bills, was a fact which he flatly denied.

Mr. *Fox* adhered to his opinion, notwithstanding what had been urged by the learned gentleman; for as he had a right to presume that people would not advance their money to the Company in its present distressed situation, if they thought it stood unsupported by the public, so he had a right to argue that their advancing their money, as soon as the Treasury should consent to the acceptance of the bills, was to be solely ascribed to the idea, that as parliament and the public stood in the light of guarantees, the Company's resources would be found equal to all its engagements; and therefore, if these resources should afterwards fail, the nation might well be thought by the bill-holders a security for the payment of the bills.

Mr. *Jenkinson* agreed that the public would in no shape be bound by the permission which they gave to the acceptance for the payment of the bills. He was always of opinion that the public were not in any degree responsible for the credit of the Company. The community at large were in some degree affected by whatever pressed on individuals; and individuals stood in this relation to the whole, in proportion to the extent of their property; so that the national credit and that of the East India Company had no other connexion than that which inviolably subsisted between the country in general and every other trading stock. The opinion of parliament did not, therefore, bind the public funds with any additional burthen, whatever might be the fate of this Company. He did not, for his part, apprehend the Treasury in the smallest degree answerable for those bills, any farther than affected by the solvency of the Company, or its ability to satisfy all its creditors to the full. The House of Commons only exercised its own judgment, which could not have any influence whatever in compelling the constituents of that House to make good the debts of the Company. Though parliament were at present of opinion the affairs of the Company were promising and prosperous, the nation was not in consequence pledged that those encouraging circumstances should in no future period undergo the least alteration. All reasoning which regarded futurity, he was satisfied, was liable to misconstruction and misapprehension; but he should ever be of opinion that the Company only was responsible for its own credit; and that those who possessed stock on any other principle were in an error, which however he trusted might prove an harmless one, but which in the event of a failure in the Company, would draw along with it the most distressing circumstances.

Mr. *Francis* said: Sir, the answer given by the right hon. gentleman is sufficiently clear and precise, and, as far as his opinion goes, certainly precludes all idea of parliament's becoming answerable at any time for any consequences with which its own act in this respect may be attended. But I confess, Sir, that the answer, though clear and determinate, is, to my mind, by no means satisfactory. I never imagined that parliament would in any case be strictly and legally bound to discharge the bills, as an indorser would be, or that the creditors would have an action against government; but I did, and do still ap-

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prehend, that by the Act proposed, the public honour would be in some sort engaged to those persons who, confiding in the wisdom and justice of parliament, would not conceive it possible that the legislature, assuming and exercising, as it does, a constant control over the Company's affairs, would take off an existing restraint, and give the Company an express permission to engage for the payment of demands which parliament was not perfectly assured that the Company would be able to discharge. The sense of the legislature to this effect will be declared by the permission it gives, which the creditors will conclude is founded on a strict inquiry and certain knowledge, and which therefore they will receive, and are entitled to consider as a parliamentary security. My question therefore was not unseasonable or superfluous. It appears that a different opinion prevails on this side of the House (turning to Mr. Fox, at which the Treasury bench laughed.) I never knew till this day that the right hon. gentleman near me had started a doubt at any former time on this subject. I am not a party man in this or any other question. I have not the honour of living in any habits of acquaintance with the right hon. gentleman, nor do I believe that I ever spoke fifty words to him above once in my life. My doubts arose upon the instant, and while the right hon. gentleman opposite to me was proposing that part of his intended Bill. Surely, Sir, there is nothing very absurd in the distinction between a legal and an honourable obligation; and though I do not contend that the claim of the creditors can be enforced by a legal process, I still think that if this Act passes, they will have a powerful claim upon the public equity and the public faith. At all events, Sir, since a doubt appears to exist, and since it is possible that the parties concerned may view the security held out to them in the same light that I do, I think it would be advisable to insert a clause in the Bill, declaring the sense and intention of the legislature to be, that they do not vouch for the security which they permit to be given, and that they are in no sense engaged at any period to make it good. By such a declaration it cannot be denied that parliament would stand clear of all claim on the part of the creditors. But even then, Sir, we shall not have done all that we are in duty bound to do. We are not only bound to preclude the possibility of any claim being urged against the public, but we are to take care not to suffer parliament to be in any shape partakers in an error, or accomplices in a deception that may possibly mislead, or be practised by others. The directors say they shall be able to discharge the bills in question at certain stated periods. Before we give them permission to undertake this engagement, let us be very sure that they will be able to perform it. Their accounts are before us; your select committee have gone into a strict examination of them, and have made you a report. Let us see what the result of it is. I have examined these accounts and reports with all the diligence and attention in my power; and I mean, if the House will allow me, to state briefly what conclusions I have drawn from them; but, as the matter is in itself extremely dry and intricate, and as it is difficult even for men of longer practice and greater ability than I pretend to, to speak clearly and intelligibly upon long and perplexed calculations, I must solicit a great deal of indulgence. I am not accustomed to speak in public; and I very much fear, that, although what I have to say is clear enough in my own mind, it will appear in great disorder. But before I enter into this part of my subject, I have one observation to make, in reply to many things that have been eloquently urged, and strenuously insisted on, by the right hon. mover of the Bill. He expressly admits, that great and boundless prodigality has existed in the management of the Company's affairs, and that the servants abroad have been guilty of repeated acts of the grossest and most daring disobedience of orders. From this state of facts he makes a sudden transition to a different prospect, and looks forward to an opposite system, without any data that I can discover, unless it be the usual promises of unusual vigour on the part of the directors, and of thrift and submission, equally unusual, on the part of their servants. From premises such as these, and which have existed in as much apparent force during the last twenty years as they do at this moment, the right hon. gentleman rapidly concludes, that obedience and economy will infallibly prevail hereafter. It may be so. The right hon. gentleman's speculations may be better founded than mine. I shall leave him in possession of his hopes, without relinquishing my own fears; observing only, that there is this essential difference between us; that

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my apprehensions are founded in experience, and that his expectations are opposed to it.

Sir, I propose to consider the actual state of the Company's affairs, as represented in the papers before us, under four principal heads; premising only, that I shall content myself with stating gross sums under each head, and not attempt to enter into a detail of the articles of which the totals may be composed, as I do not believe it possible to make such a detail intelligible to the House. With respect to assertions, or mere matters of fact, I must desire it to be understood, that I constantly ground myself on the authority of the report from the select committee, and take their assertions for granted, having no other test or evidence by which I could canvass the statements produced by the court of directors, but the documents produced by your committee. I am, therefore, not answerable for any thing, but for the use I may make of those materials.

The court of directors, in their first Report, have laid before you an estimate of receipts and payments in England for a period of six years, ending in March 1790, which they support by another estimate of the value of goods remaining now, or to be imported into England within that period, and of the funds out of which such goods are to be provided. On a rough computation of the amount of several articles of credit in this latter estimate, to which your committee have objected, and of several articles of debit, which the directors have either under-rated or not charged at all, I am of opinion, that on their six years estimate they have taken credit for at least three millions too much. Other calculations made by gentlemen who understand the subject better than I do, carry the deficiency much higher, and even to the amount of some millions more than I have. My computation, I am sure, is much within the truth.

The directors, in another paper, have exhibited an estimate of what they call their neat revenues in India in time of peace, and of the annual established charges to be defrayed out of them. Availing myself of the remarks which your committee have made on this account, in which I entirely concur, I say, that the directors have under-rated the charges to the amount of 882,080*l.* a year, which, in six years, will amount to 5,292,480*l.*; that they have omitted to provide for the interest of their bond debt in India, to the amount of 400,000*l.* a year, which, in six years, comes to 2,400,000*l.* and that they have taken credit for an increase of revenue from Benares, and from the Calcutta customs, to the amount of 292,500*l.* which, I am convinced, will never be realised, and which, in six years, will amount to 1,755,000*l.* These several sums taken together, come to 9,747,480*l.* from which it will result, that, instead of having an annual surplus in India of 1,091,546*l.* as the directors have stated, the annual balance against their Indian revenue will be 1,624,580*l.* and yet nothing allowed for victualling the King's ships and pay of regiments, which already amounts to 782,391*l.* and that the whole over credit, taken by the directors in the above two estimates, amount to 12,747,480*l.* on the estimated period of six years. The third material point to be considered is the amount of bills unpaid, and already drawn or expected by the Company; and these, by a paper produced to your committee, appear already to amount to the enormous sum of 4,819,236*l.* The directors in their estimate suppose that bills may be drawn to the amount of 5,655,668*l.* in the whole period of six years, and for that demand they profess to make a provision. It appears, then, that by far the greatest part of the sum so provided is already absorbed, and that only 836,432*l.* is left to answer all the bills that may be drawn in the four last years of the estimated period.

The amount of the Company's debts in India comes next into view; and however lightly it may be valued by the court of directors, or how little soever those gentlemen may profess to regard the pressure of such a burthen, or confidently to rely on the means of removing it, undoubtedly it will be considered by this House as an object of the most serious and alarming nature. I shall content myself with stating the facts to you, and leave them to your reflexions without farther comment.

I find by the report of the directors, corrected by your committee, that the debt in India amounted by the last advices to 6,192,207*l.* and this you are told is likely to be liquidated in process of time, partly by the appropriation of certain debts charged upon some of the ruined princes and insolvent renters of lands in India, to the amount of 2,470,394*l.* of which the directors themselves suppose a considerable part to be bad, at the same

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moment that they take credit for the whole of it, which I am of opinion is not worth a shilling. The other fund, out of which the debt is to be discharged, is to consist of supposed savings out of a supposed annual surplus of revenue in India, stated by the directors at 1,091,546*l.* which ought in truth to be converted into an annual deficiency of 1,634,580*l.* by which their debts will be annually increased instead of diminished. In this statement of the bonded debt I find nothing charged for outstanding debts at Bombay, which must be considerable. No account of them is produced. But you may judge of the condition of public credit at that presidency from this extraordinary fact: by the last advices their bonds, bearing an interest of 9*l.* per cent. were at 50*l.* per cent. discount, and the government were not possessed of a rupee to pay either principal or interest.

There is another paper or estimate before you, which certainly would deserve the most attentive consideration of the House, and which I should have examined with the strictest care, as the matter of it falls within my own knowledge rather more than any other part of the present subject, if certain other accounts, by which alone the truth or fallacy of this estimate could be ascertained, had been produced by the directors. The account I speak of is an estimate of the probable receipts and disbursements of the Bengal government, for one year, from April 1783, to April 1784. I find, Sir, that, although you have an estimate of probable receipts and disbursements to April 1784, you have no account of actual receipts and disbursements later than to April 1781, and your committee tell you, that no later accounts have been sent home. Now, Sir, this fact alone is to me, and, I dare say, will be so to the House, a just and sufficient reason for rejecting and discarding the estimate at once, as a paper which has no claim whatever to our confidence, and to which no sort of credit is due. The accounts of the actual receipts and disbursements of one year, is the natural, necessary, and indispensable foundation of the estimate of the next. The first is the official, the true, and indeed the only evidence by which the second can be supported. You cannot officially say, that an estimate of the ensuing year is true, or even that it is probable, unless you have the power of comparing it with the actual accounts of the collections and expenses of the preceding years. To withhold such evidence is, in the first place, a very criminal neglect of duty in the servants abroad: to expect that, without it, the directors should place any confidence in their estimates, is, in my mind, an instance of presumption; and, finally, they force us to this obvious and natural conclusion, that not only their estimate deserves no credit, for want of the documents that naturally and necessarily belong to it, but that those documents would not have been withheld, if they did not exhibit such a view of the Company's affairs as the servants abroad did not dare to send home. From the premises I have stated, I have a right to the conclusion; and though hereafter it should appear that, in fact, the state of things abroad were better than I presume it to be, the parties have no right to complain, since the conclusion I draw to their disadvantage is founded on their own act, or rather on the omission of an essential part of their duty. For these reasons, Sir, I shall treat this estimate, as I think the House ought to do, with perfect disregard. One observation only occurs upon the face of it, which I borrow from your committee, and which certainly is too material to be omitted. The estimate acknowledges a balance against the Company of fifty-six lacks of current rupees, which it allows to be the exceeding of the expense beyond the resources of the year in question. To this great sum your committee have added two other articles of over credits taken, which increase the annual deficiency to 120 lacks, or to 1,350,000*l.*

Permit me now, Sir, to consider the Company's affairs in another point of view. Let it be supposed for a moment that all the calculations made by your committee go upon false facts, or upon mistaken principles; that all their conclusions are false, and all their objections groundless. Supposing all this were admitted by me, and taken for granted by the House, there still remain two considerations, which, on the principles assumed by the court of directors themselves, attack the whole fabric of their accounts, and shake it to its foundation. The first of these considerations belongs, in a more especial manner than perhaps any other, to the department and office of the Chancellor of the Exchequer. I mean only to bring it into view, and to draw his attention to it. The court of directors suppose, that in the course of the year 1784, the Company may be able to sell the bonds which have been paid in

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lately at their sales, and hereafter to keep in circulation the sum of two millions of bonds; and they admit, that if this cannot be done, the bonds may be paid in at the sales instead of cash, and all present estimates be thereby set aside. The fact is, that on the 31st of May last the bonds, which either they had not been able to issue, or which had been paid in again at their sales, amounted to 587,000*l.*; and on this point your committee properly and judiciously observe, "that it appears very doubtful whether the circulation presumed by the directors can take place under all present circumstances, and subject to a plan of management which implies a decrease of disbursements and an increase of receipts. The Chancellor of the Exchequer has informed the House, that it makes part of the plan of the present year, to circulate three millions and a half of Exchequer bills on account of government. Now, Sir, it is for him to consider whether these two circulations of paper can exist together to the extent that is proposed, and whether one of them will not materially affect and embarrass the other. The question, I confess, is beyond my reach; and I do not presume to offer an opinion upon it.

Of the second great consideration, which, as I apprehend, annihilates all the estimates of the directors at once, I am a little more capable to judge. The House undoubtedly has observed, that all these estimates go upon one principle, or, rather, upon one presumption, viz. that peace exists in India, and that it will exist, without interruption, to the end of the period to which the estimates are carried. In their second report they say, that, "from all their advices, there appeared no ground to doubt but peace would very soon be made with Tippoo Saib, and be thereby completely established over all India." You will recollect, Sir, that I took the liberty some days ago (16th June) to express a different opinion on this subject, and stated to the House that I had reason to suspect that the directors were not completely warranted in making this declaration to parliament. At all events, I thought it extremely necessary that the House should see on what specific ground such assurance of peace was adopted by the directors, and solemnly delivered to parliament. You may also recollect, Sir, with what slight and disregard that proposition was treated. It was expressly called improper and premature, as if I had grossly injured the directors by questioning the truth of their assertions, or wished to injure the Company by divulging their political secrets. It now appears, I think, that my question was not quite so absurd and groundless as it was then represented. Such a question of fact could not be a matter of indifference at any time, and especially at a time when the supposition of peace was made the foundation from which the actual and future circumstances of the India Company were to be inferred; and when, from that inference, measures of practice were to be instantly resolved on. If there be peace in India, the principle of the calculations made by the directors is so far supported. Armies may then be reduced, and expenses may then be retrenched; but if you reverse the fact, the directors are obliged, by their own way of reasoning, not only to relinquish their conclusion, but to reverse it. As long as a war continues in India, not only no retrenchments can be made, but the same causes of expense which have brought the Company to their present distress, must continue to operate; and every supposed saving, for which they have taken credit with as much confidence as if they had the produce of it in their treasury, must be converted into an exceeding of expense.

You have now upon your table, Sir, a letter from the governor-general and council of Fort William, dated the 7th of February last, to which the attention of the House has been particularly called, and which certainly deserves it. In this letter you are told, "that the negociation for peace does not promise so much success as first appearances led to expect; that the steps which Tippoo had taken, were such as left Nana little or no hopes of his acquiescence in the treaty, and that the select committee of Madras were endeavouring to get their army into the field as fast as possible." Such is the pacific state of your affairs in India, notwithstanding the positive assurances very lately given you by the directors, "that there appeared no grounds to doubt but peace would very soon be made with Tippoo Saib, and be thereby completely established over all India." In this place, Sir, it is fair in me to observe, that when I moved for papers tending to establish the probability, if not certainty, of peace in India, it was considered as a proposition dangerous to the Company's credit, and leading to a discovery of the important

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secrets of their state. But now, it seems, there is no sort of danger in divulging intelligence which establishes the certainty of war. The moment these advices arrive, they are laid before the House, and instantly ordered to be printed and published. Undoubtedly it was right to do so. Transactions in India cannot be made too public: in truth, there is no danger from any thing but concealment. But how is it possible to reconcile the objections made to the production of the papers moved for by me, with the instant publication of the present intelligence?

By the same conveyance, the House is in possession of an extraordinary letter from Mr. Hastings. Considering the eagerness with which it is produced, I presume that some important conclusions are meant to be deduced from it.—On this letter I shall beg leave to offer you a few observations. I am thoroughly acquainted with Mr. Hastings's style, and with the rapidity of his invention—I know the powers of his pen, and how implicitly he confides in them—I know that, between a feeble memory and a brilliant imagination, he is apt to fall into such a total misconception of facts, as would be very distressing to his argument, if it were not united with an unlimited command of words. Mr. Hastings tells you, Sir, "that during a period of five years, he has maintained a continued and desperate state of war in every part of India." Hitherto, Sir, this war has been called prosperous; hitherto you have heard of nothing but complete victories and decisive successes in every quarter; hitherto the state of the war has been represented to be successful. But now, it seems, the facts are suddenly altered—It now answers the purpose of the moment to confess the truth. Your distresses are acknowledged, in order to exalt the wisdom, the vigour, and the policy by which they have been relieved. What yesterday was prosperous, to-day is desperate.

Proceeding in a narrative of events which he persuades himself may have happened, Mr. Hastings assures you, "that he has supported your other presidencies, not by scanty and ineffectual supplies, but by an anxious anticipation of all their wants, and by a most prompt and liberal relief of them." If this description be correct, Bombay and Fort St. George must have been nurtured in the lap of luxury. It is impossible that, in the very period referred to by Mr. Hastings, they should have incurred a debt of two or three millions, and drawn upon the directors for a million more. Yet the accounts on your table suppose that they have done so. He says, "that he has assisted the China trade, and provided larger investments from Bengal than it had ever furnished in any given period of the same length," and then he solemnly and deliberately concludes, "that in the performance of these services, he had sought but little pecuniary assistance from home; and that, unwilling to add to the domestic embarrassments of his honourable employers, he had avoided drawing on them for supplies on many occasions that would have justified him in seeking such assistance." Mr. Hastings, I conclude, keeps no account of his drafts on the directors; or perhaps he supposes that they keep none. Unfortunately for both parties, the accounts exist, and are now upon your table.—By these it appears that, exclusive of bills already paid by the Company since the commencement of the war, and which must have amounted to a very considerable sum, the bills now received or advised from Bengal alone, and not paid, amount to 3,416,285*l.*! and this is the proof of Mr. Hastings's unwillingness to add to the domestic embarrassments of his honourable employers.

I shall not enter minutely into the flattering account which he thinks it suits his present situation to give you of the prosperous state of Bengal.—It is no easy matter to refute general assertions concerning an object so far removed from your view; nor would it be fair, perhaps, to canvass the literal veracity of a poetical description. Mr. Hastings's judgment, now and then, is hurried away by his genius. He abandons himself to his pen, and writes, *currente calamo*, whatever the convenience of an instant argument dictates to his mind, without reflecting on any thing which the service of the moment might have engaged him to say yesterday, or looking forward to any thing which the spur of the occasion may incite him to say to-morrow. But to a description which it is not in my power to confute, he has added some specific evidence, which I shall take the liberty to examine, because it is of an examinable nature in itself, and happens to be familiar to me.

To prove to you the flourishing circumstances of his government in December last, he sends you a state of the treasury of Fort William, of the same date with his letter; and I freely admit, that the evi-

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dence of this document is properly appealed to. The proof produced directly relates to the proposition, and is strictly applicable to it. With respect to the ability or disability of the government of Bengal to carry on current services, to answer immediate demands, or to provide for actual expenses, the balance of quick stock, let it be ever so great, proves nothing. Property of any other kind proves nothing. The state of the Treasury, especially if taken at a medium, and not the most favourable period of the monthly collections, is the true test of the ability of government and of the resources of the country. The Treasury at the presidency is the grand reservoir into which the collections from the other treasuries necessarily and naturally flow. It may be accidentally drained by a sudden demand, but, in the ordinary course of the collections, it will soon be replenished. Whereas, if the reservoir be dry, you may be perfectly assured that all the sources and all the channels by which it was supplied are dry likewise. Now, Sir, having acknowledged the competence of the evidence, let us consider what it proves. The first article in the account, as it naturally ought to be, is that of ready money; and, after all you have heard, would you believe it possible that in the treasury of a country, whose annual revenue is computed at four or five millions, and which, as Mr. Hastings assures you, has enjoyed the clear and uninterrupted sunshine of wealth, peace, and abundance, there should be only 5,500*l.* and that too at a favourable period of the collections, as the months of November and December unquestionably are? In other assets and securities, credit is taken for about 40,000*l.* more; and this was the whole of the existing fund of the flourishing government of Bengal.

The existing demands against it are not confined within the same limits. On the face of the account, the acknowledged debt against a fund of fifty thousand pounds exceeds two millions; yet even this debt is not stated as it ought to be. While I was in the government of Bengal, the amount of orders of council on the treasury issued and not paid, was always stated at the foot of the account. In this account that article is omitted; and I find by another paper that it amounted to current rupees 59,33,735, or about 600,000*l.* It is proper the House should be apprized that heretofore these orders were always considered like bank notes, equivalent to ready money, and that they are hawking about Calcutta at four per cent. discount. The treasury of Fort William in effect is shut; or it is only open for the purpose of receiving money for drafts on the directors. Neither is this all the debt in Bengal: a quantity of treasury certificates, of which the amount does not appear, are circulating at eight per cent. interest. Of these no notice is taken in the state of the treasury; though in effect they make part of the bonded debt, and ought to be added to it.

In farther support of his letter, Mr. Hastings has sent you an estimate of the probable receipts and disbursements in Bengal for five months, ending in April 1784. In the first place, Sir, a paper of this nature, if it pretends to official authority, or if it lays claim to official credit, ought regularly to be recorded on the consultations, and transmitted by the governor-general and council collectively to the court of directors. The forms of the government established by law, both abroad and at home, require that course of proceeding, and acknowledge no other. But, waving this objection, I insist upon another which I have already urged against the estimate for the whole year, that it is not now even accompanied by that evidence by which it ought to have been long ago preceded: I mean the account of the actual collections and disbursements of the preceding years. It is not therefore in my power, if I were ever so well inclined, to enter into the specific merits of this estimate, much less to ascertain the probable truth or falsehood of the credit given or taken in it. One observation only is sufficiently obvious, and that perhaps may be thought decisive. Mr. Hastings forms a partial estimate of receipts on the five most productive months of the year, for in some months the collections are very heavy, and in others produce nothing; yet he has been forced to leave an acknowledged balance of twelve lacs, or 125,000*l.* against even that conjectural estimate, and notwithstanding he has taken credit for twenty-five lacs, or 260,000*l.* for new drafts to that amount, to be drawn on the court of directors, and to be applied to the service of the five months in question.

These instances, I believe, may be sufficient to convince the House, that Mr. Hastings's judgment does not travel quite so fast as his imagination. Undoubtedly he is a person of uncommon abilities. No man knows them better than I do. No

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man has tried them more than I have done. And yet, Sir, it is a most singular truth, that, during his whole government, almost all his schemes have defeated themselves, that his most peremptory and deliberate political opinions were those in which he has found himself most completely deceived; and that he has repeatedly been duped by the Indian princes, who, though far inferior to him in talents, have an advantage over him in other qualifications. On this subject I cannot appeal to better evidence, or to more powerful authority, than that of the learned gentleman opposite to me (Mr. Dundas). He has made himself master of all the late transactions in India, and has reported them copiously to the House. He will therefore support me if I am right, or correct me if I should be mistaken about the facts I am going to mention. For more than two years together Mr. Hastings had studiously cultivated, and persuaded himself that he had gained the friendship of a Mahratta prince, called Moodajee Boosla, the raja of Berar. On the strength of a supposed concurrence of views and union of interests between himself and the rajah, Mr. Hastings, in the year 1778, formed a plan of conquest and ambition, the object of which was nothing less than to dismember the dominions of the nizam of the decan, and to subdue the whole Mahratta empire. Mr. Hastings entered directly upon the execution of his part of the project, but never, never, could prevail on his friend Moodajee to join him. On the contrary, it was discovered, after two years negociation, during which the rajah paid many compliments to the profound wisdom of Mr. Hastings, that, during all this time, he had been employed in forming an offensive alliance between the Mahrattas, the nizam, Hyder Ally, and himself, for the purpose of extirpating the English out of India. In the midst of the warmest professions of friendship for Mr. Hastings, this worthy prince sent an army to the frontiers of Bengal, which Mr. Hastings was at last obliged to buy off with three hundred thousands pounds of the Company's money, besides a supply of subsistence while they staid. Allow me to mention another striking instance of the fallibility of Mr. Hastings's politics. He never could be persuaded that it was even possible that Hyder Ally should invade the Carnatic. He said then, what he does now of Tippoo Saib, that it was utterly incompatible with his views, interests, and political situation, to engage in a quarrel with the English power; and I confess he supported his opinion with so many plausible arguments, that I myself began to think he might have reason on his side. In three or four months after the delivery of these opinions in Bengal, Hyder Ally invaded and overran the Carnatic.

But I need not go back for proofs of the facility with which Mr. Hastings suffers any favourite idea to mislead him. In the letter now before you, of the 16th of December, he assures the directors, that "a cessation of hostilities has taken place with Tippoo Saib, and that in all probability it would be followed by a confirmed peace;" and then he proceeds to assign many admirable reasons for concluding that "Tippoo Saib will not commit himself to a new scene of hostilities with the English nation." Unluckily for the credit of Mr. Hastings's speculations, his second letter, of the 7th of February, completely oversets the first. "The negociation for peace no longer promises success; the steps taken by Tippoo Saib leave little or no hopes of his acquiescence in the treaty, and the government of Madras are endeavouring to get their army into the field as fast as possible."

I am sensible, Sir, that I have trespassed too long on the patience of the House; and yet, before I sit down, I must solicit their indulgent attention to a few words, which have a personal relation to myself. There are two kinds of misconstruction to which what I have said may be liable, and against which I am very desirous to guard my character. As my remarks on the state of the Company's affairs certainly tend to place them in a point of view much less advantageous than that in which they had been represented by the directors, it will be said by some, and may be believed by others, that I am a man hostile to the interest of the East India Company. On this presumption, I shall be charged with ingratitude to my benefactors. One imputation leads to the other. I solemnly deny them both. Yet it is perfectly true, Sir, that to the court of directors I neither owe nor profess any gratitude, although for six years together they constantly and highly applauded my conduct. I owe them no obligation for empty promises of support and barren praises, pure and unmixed, as I have always found them, with any serious proof of their approbation. I am not singular in disclaiming a particular attachment to the court of directors. I believe

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Mr. Hastings feels himself still less indebted to them than I am. Neither do I profess any special devotion to the court of proprietors, I mean to the power that has generally predominated in that court. They have almost uniformly supported the persons and the measures which I have uniformly opposed. But there is a third class of persons, completely distinct from the other two, for whom I profess and feel the warmest attachment, and to whose real interests I am equally bound by duty, by gratitude, and inclination: I mean the East India Company; to whose service I owe the independence I possess, and even the ground I stand on at this moment. The constitution of the Company supposes no distinction between the body corporate and the governing powers of the India Company. But is it in fact impossible that such a distinction should exist? Is it impossible that measures ruinous to the true permanent interests of the corporation, should be advantageous to powerful individuals at the head of it? Perhaps I may be mistaken in supposing a possible separation of interests between the body and the head. Perhaps I may have no right to affirm, that the one may be abundantly provided for at the expense of the other, and that such things may have happened in other societies. Whether this supposition be warranted or not, it is to the corporation of the India Company that I hold myself indebted. Let me see distinctly what their service really requires, and I will engage to go as far as any honest man can go to promote it; I mean as far as the duty that belongs to my present station, and by which I am attached to the community at large, will allow me.

The second sort of misconstruction, against which I wish to be guarded, is still more of a personal nature than the first. I should be sorry to be suspected of retaining a spark of personal animosity to Mr. Hastings. We are both, I believe, men of temper too warm to be capable of lasting resentments. Our contest is at an end, and the hostilities it produced expired with it. Assuredly I feel no enmity to him, and I readily acquit him of harbouring any against me. But it may be said, though I have no reason to think it will, that I avail myself of the advantage of his absence, to say more of him than I would do if he were here. To this mean imputation, my answer is clear and conclusive. In the first place, I presume the House may have observed, that although Mr. Hastings is not here in person, he appears fully by his representatives. They are men of ability, and of very distinguished activity. They cannot reasonably be accused of want of alertness to defend him, nor would it be an act of consummate prudence to provoke them. But I am persuaded, Sir, that Mr. Hastings himself would be the first to acquit me of any particular reluctance or unwillingness to oppose him face to face. In the six years that we lived together, his objection to my conduct was of a different nature. He has often accused me of a determined pertinacity in opposing him, right or wrong, and never suffering any thing he said or did to pass without an obstinate debate. At all events, Sir, it is not my fault that Mr. Hastings is not here to answer for himself. No man, I think, who knows on what terms we stood in India, can possibly doubt, that if it had depended on me to recal him, he would not now have been so well represented as he is, but would have been here in person long ago. Perhaps I have said more on this subject than it required. I should not have mentioned it at all, but for a letter sent to me within these few days signed 'Detector,' in which I am threatened with vengeance, or with a severe inquisition into my own offences, if I dare say any thing to the disadvantage of that great absent man, Mr. Hastings. An anonymous letter is not worth notice. But since the suspicion it expresses may have occurred to others, I thought it incumbent on me to endeavour to remove it.

Lieut. Col. *Cathcart* spoke as follows: Mr. Chairman, I am not sufficiently versed in the subject of the finances of the East India Company to trouble the committee with my sentiments on that head. Unless the right hon. gentleman over-against me is pleased to cut me short by pledging himself to bring forward a Bill for the regulation of India in the course of the present session, I propose to speak of that country in a different point of view. I have not the honour of representing Mr. Hastings in this House; I have the honour to stand here the representative of a county in North Britain; as such, I shall do Mr. Hastings the justice to say, that I think his conduct during the long period in which he has been at the head of our affairs in India, has proved him to be endowed with superior and uncommon abilities, and that he has exerted these talents with zeal and rigid integrity in the

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service of his country, so as to entitle him to our warmest praises. A perusal, Sir, of the official letters which have lately been published, from Mr. Hastings, and from the supreme council to the court of directors, has convinced me, if possible, more strongly than ever, that a government ought to be vested in some one point in India, which should really be efficient to control the several presidencies. That these presidencies have not been obedient to what is called the supreme council, I think these papers likewise evince. Surely, until there is one main spring which can actuate all the subordinate wheels of government in these extensive and distant dominions, our affairs there can never flourish. Nay, the public faith will be broke in every shape, and on every occasion, and the country powers can never place any confidence in us.

Mr. Hastings, in the letters I have alluded to, states, that the Mahratta peace is established on a firm basis, which is likely to stand unshaken for a term of years. I am happy to hear that opinion from such a quarter. It is generally believed, that it is much for the interest of Madajee Scindia (the Mahratta chief who mediated the peace of Salbey) that it should be a lasting one. There is a circumstance in one of these letters, which leads me to believe that the politicians of the East do not think us ripe for destruction, at least that they suppose our affairs still to be retrievable. Nizam Ali Cawn is said to have offered his assistance to bring about a peace between our nation and the nabob of Mysore. The nizam is a prince, Sir, whose conduct has hitherto been artful and cautious. It cannot then be supposed that he should step forward in this transaction, except upon an idea, that if the war should be kindled up afresh, we should crush Tippoo Saib, and that at the ultimate settlement of the matter, he would either gain an acquisition of territory or of treasure.

I have risen, Sir, principally to request the attention of the House to a branch of reform in India which strikes me as eminently necessary; insomuch that I conceive, if a Bill should be brought forward for the regulation of India, which was founded upon the extended information which the meritorious labours of many honourable members of this House have brought to light, that it would be inefficient unless it went minutely into the state of the government of the armies in the settlements of the East India Company. If that government remains in force as at present exercised, and if the British legislature does not immediately interfere towards its alteration and amendment, it is my firm belief, that our possessions in the East will soon be dismembered from this empire. Either, Sir, motives of humanity are to induce us to restore to the natives of India these territories which, from avarice or ambition, we have wrested from them, or motives of policy are to predominate, and we are to attempt by arms to preserve these distant provinces. What step, Sir, upon this latter supposition, can be of more immediate consequence than the regulation of those armies which we must maintain to secure the fidelity of many millions of subjects, whose hearts, God knows, have no reason to be impressed with sentiments of gratitude for favours already received under our government? Or what, Sir, calls more loudly for the exercise of our humanity than the consideration of what comforts we can point out for those soldiers, who have embarked for that distant part of the world, in what was their duty to consider their king's and their country's cause? While we talk here of zeal for the welfare of the state, they have proved theirs with the sweat of their brows and with their blood.

I must apologise for a few words which I wish to speak in detail upon this subject, observing that I am induced to enter into these details from a conviction of their importance, and from hopes which I entertain, that whatever regulating bill is introduced will contain clauses for the remedy of the abuses I complain of, and which will render the interference of his Majesty's secretary at war, or of the East India Company, efficacious in behalf of the army, which it occurs to me cannot be the case until the basis of a new military system is laid down by parliament. The British army actually serving in India is composed of his Majesty's troops and those of the East India Company. These component parts feel the necessity of union. From principle they wish to act in concert and harmony, but their views and pretensions are so widely different, that the most experienced officers who have served in that combined army, are of opinion, that jealousies and heart-burnings must exist in that corps until it is under one head. I shall not enter into the constitutional question, whether the

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army ought to be under the crown or the Company; but as I totally coincide with those officers who insist that we never can have an efficient army in India, unless it is placed under one head, I have confined my thoughts on Indian service to the idea, that the military government should be solely in the hands of his Majesty, or totally under the Company. It is almost superfluous to descant upon the merits of discipline, or that discipline alone ensures the success of any army. The experience of all ages, of all nations, has demonstrated the truth of this assertion, and no where more forcibly than in India. The discipline of our army there, compared with that of the country powers, has been hitherto superior. To that source chiefly may be traced the accomplishment of many wonderful achievements, which have been performed highly to their honour, by handfuls of troops in the service of the Company, opposed to the greatest disparity of numbers.

The country powers, Sir, are daily improving in the science of war; they have been instructed, they have been assisted by an European nation, with which we have lately been in a state of hostility. That nation may possibly at some future period again instruct and assist them. The effects which such an interposition would produce, will depend in a great measure upon our present conduct. If, Sir, we adopt a judicious military system; if we proportion our European force to that which other European nations send to India, and proportion our European troops so as to be sufficiently numerous to give countenance to, while at the same time they keep in subjection our own native corps, then, Sir, when the hour of danger is at hand, shall we reap the fruits of such policy. Give me leave to suppose for a moment that parliament had ordained that the army in India in future should be under one head; still there are other points to be settled relative to that army which are essential to its discipline. The commander in chief, and other superior officers of the army, must have more weight than they have at present, to enable them to keep up the necessary subordination of the service.

What I am going to say upon this head, is not grounded upon an idea that the military ought to be emancipated from the control of the civil government. On the contrary, I only wish that certain points might be rectified, which would enable the army to execute with effect the orders of the civil government. According to the present regulations, the commanders in chief of the Company's forces at the different presidencies are, to a certain extent, permitted to recommend officers for promotion when vacancies happen under their command; but as the rule of seniority is strictly adhered to, this can hardly be deemed patronage. The real patronage of the army in India, is the nomination of officers to the command of native regiments and to out commands. In these appointments the civil administration frequently, almost constantly, interferes. This strikes at the root of discipline, by holding out encouragement to officers to seek for promotion by intrigue, by interest at the presidencies, and not by distinguishing themselves as soldiers in the field. Far be it from me to cast, by this observation, any slur upon the officers actually serving the Company. I know among them many most respectable characters; many men who would do honour to any army; and they have the greater merit, because they have been reared in a bad school, under a bad system. I do apprehend, Sir, that it would be a most useful amendment, if these nominations to commands and out-duties were in future vested solely in the heads of the military departments. Then, Sir, officers would look up for the reward of their services to those men who were the best judges of their merit. Then, Sir, commanding officers would have it in their power to reward merit, or punish demerit.

There is, Sir, as it strikes me, a defect in the present constitution of the councils in India. The commander in chief of all the forces in that country is the only military man, who, by act of parliament, enjoys an unrestricted seat in council. The commanders in chief at the different presidencies sit at the boards on military and political discussions only. The bad effect which arises from this part of the present system is, that if the majority of these councils chooses to discuss a subject which is really military, but which they please to term commercial or financial, they assume to themselves a right of excluding their military member from that debate. Thus they may decide upon many subjects without the professional advice of that officer, upon whom most probably is to devolve the execution of the measure they have adopted. There cannot be a line drawn between military and commercial, or fi-

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nancial matters in India, which will not be liable to this species of chicane; therefore I conceive military men should have unrestricted seats in all the councils, and at all the subordinate boards; more especially as they would be but as one to three or four in council, it cannot be argued that their ignorance on commercial or financial regulations would obstruct those measures which appeared judicious to the great majority of the board, who would still be commercial men. Nothing can illustrate the nicety of distinctions which exist in India between military and commercial, or financial business, better than the statement of the following fact: there is a large body of men in arms, paid by the Company, for the enforcement of the revenue, called Zebundys in some parts, and in others styled Militia Sepoys. These myrmidons, Sir, are not strictly under military command; they are more immediately under the revenue department. This corps, Sir, has perpetrated a considerable part of those enormities which have been unjustly laid to the charge of the army. Can there be a doubt that it is expedient that every man who bears arms of any sort ought to be under military discipline? If it be necessary, as I believe it is, that there should be a revenue militia, it ought to be inspected into by military men. This, Sir, would prevent much rapine, much cruelty; but it would not prevent the militia from being totally under the orders of the civil administration, issued by the councils to the commanding officers of districts, and by these officers to the militia. Then, Sir, over all our dominions, officers might justly be made responsible for the conduct of every man in arms, whether a soldier or a revenue militia man.

I wish, Sir, before I sit down, to say a word or two concerning the execution of general military plans, in time of war, in India. At present, Sir, if it be voted at the supreme council that the commander in chief of all the forces shall be deputed on service to any of the other presidencies, he comes under the total control of the presidency where he is sent to act. Is it not, Sir, consonant to the nature of the human mind to suppose, that there would be a greater probability of the service being carried on with effect, if the supreme council could depute a general who should, during the exigency of the service, be emancipated from any authority but their own; who would then execute plans which they had framed; measures, for the success or failure of which they were responsible, and naturally more interested in than any other set of men? While an officer is carrying on operations clogged by the interference of a secondary authority, how can his steps be marked with vigour? Will it not be allowed, that in those distant and extensive provinces which are subject to us in India, frequent emergencies arise where vigour and decision are indispensably necessary?

I have stated, I believe accurately, evils which do exist in India. If I have gone beyond my depth in stating what I conceived to be their remedies, still I have been discharging my duty, by bringing forward matter well worthy of the consideration of many honourable members, whose experience entitles them to be better judges of the treatment which soldiers ought to receive; matter, Sir, which ought to be weighed by those gentlemen who have made the various arts and combinations of governing mankind in general their more immediate study. When these points are discussed, and finally settled, and not till then, our Indian armies will be efficient. The minds of the first officers in this country will be fired with ambition to serve in India. Then, Sir, his duty being simplified to him, the British soldier will pass his life in struggles with the intemperance of climate; will pass his life four thousand leagues from his parents, from the friends of his early youth, and torn asunder, Sir, from those tender connexions which attach him to his native land; and he will forget, or rather without repining, bear with these disadvantages which he ought to know are unavoidably incident to the nature of his profession. But, Sir, the Indian army have long groaned under unnecessary evils; for redress from which they patiently look up for the interference of their Sovereign and of both Houses of Parliament. I trust, Sir, for the honour of this House, that some system will soon originate within these walls, which will enable the Indian army to bless their Sovereign, to bless the Lords and Commons in parliament assembled, for redressing of grievances, for amending a system, which, I venture to affirm, if candidly and impartially examined into, will be found to have already unnecessarily impeded the service of the state, and wantonly rendered miserable the lives of those who serve their country.

But, Sir, I will no longer trespass upon

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gentlemen's patience, by canvassing their attention to the cause of so numerous, so respectable a body of men as that of which I have spoken, and whose interests, whose welfare are so nearly, so deeply connected with their own—I shall only say, that if we do not profit by the experience of past misfortunes, we deserve to lose India. It does not require the gift of prophecy to foretel, that if we suffer the affairs of the East to roll or to stagger on any longer in their present channels, or in any thing like their present channels, every gentleman here present will live to see the day when this country shall thereby be involved in war; or, at least, those of us who do not live to see such an event take place, must descend into our graves, conscious that the rising generation is doomed to, ever doomed to destruction, which our delays have entailed upon them. Let us not be lulled into security because the sword is sheathed. This is the moment for Great Britain to arm for war. Such measures are the most likely long to preserve to this country the invaluable blessings of peace, which I hope we now enjoy in the most distant quarter of the globe. Such measures bid fairest, Sir, to allay the thirst of our enemies for war; or, if they are still bent upon our destruction, to avert the effects of their plans, and to retort upon their own heads those blows they meant for ours.

Mr. *Pitt* paid a handsome compliment to Mr. Cathcart for the information he had favoured the House with, and from which he should profit; after which he gave notice, that he should bring in the new India Bill the 6th instant.

Major *Scott* said:—I rise in this early stage of the debate, because I conceive myself particularly called upon by what dropped from the hon. gentleman on the floor (Mr. Francis); and I do assure you, Sir, in a debate of this great national importance, it was not my intention to have mentioned a syllable about myself or Mr. Hastings. I sit in this House, Sir, not as the representative of Mr. Hastings, but as an independent member of parliament, having a stake in this country totally independent of Mr. Hastings, totally independent of the East India Company, in whose service my acquisitions were very small, though I had the honour to serve them near sixteen years. The hon. gentleman says, he has received an anonymous letter signed 'Detector,' in which the writer threatens him with vengeance, if he opposes Mr. Hastings. The hon. gentleman, I am sure, will give me credit when I declare to him that I did not write the letter; that no man despises anonymous slanders more than I do, and that I never wrote a line in my life which I will deny, or for which I am not at all times ready to be accountable: but as the writer has assumed the signature of 'Detector,' I can assure the hon. gentleman, the person who addressed him is not the writer of those admirable strictures on the reports of the last select committee of the last parliament under the same signature. The gentleman who wrote those letters is not in England at this moment, and I can hardly believe that any friend of Mr. Hastings would have descended to practise such a meanness. Having said thus much, Sir, I shall now offer a few remarks upon what fell from the hon. gentleman. He tells the committee, they have no security that the same prodigality which has been practised will not be continued, and that the Company's orders relative to drawing bills, will be disregarded in future, as they have been in times past. Upon this subject, I shall ask the hon. gentleman one plain question. Is it not a fact, that from the year 1772 to 1780, a period of eight years, not a single bill was drawn from Bengal, except such as were expressly authorized by the court of directors? Is it not equally a matter of fact, that the bills drawn in 1781, and the following years, were for the express purpose of furnishing an investment for the Company? Is it not equally a matter of fact, that this was the only possible mode by which an investment could be furnished? And why? Because in the last five years no less a sum than six millions and a half sterling, or 650 lacks of rupees, was sent from Bengal to Madras and Bombay, for the support of the war. At this period, Sir, when we were struggling for our existence as a nation in India; when there were opposed to us 17 sail of the line, and 6,000 of the troops of France; when we were at war with the Mahrattas, and Hyder Ally in possession of the Carnatic; when our armies there were paid and fed in a great measure from Bengal; is it extraordinary, that Mr. Hastings was not able to appropriate any portion of the revenues of Bengal to the purchase of an investment? The question, therefore, is simply this: was it better to take up money in Bengal for bills upon England, and to apply that money wholly and exclusively

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to the purchase of an investment, or that the investment for three years should have been discontinued? I am really sorry, Sir, to be under the necessity of mentioning the name of Mr. Hastings so frequently; but the hon. gentleman has reduced me to that necessity. I declare, I mean no disrespect to the hon. gentleman when I say, that neither he nor Mr. Hastings are of consequence enough to attract the attention of this committee for a moment. I give the hon. gentleman full credit for the purity of his motives, and I believe he no longer bears an enmity to Mr. Hastings: but what has the committee to do with their differences? We are now upon a subject of the greatest national importance, and I really, Sir, am ashamed to lose a moment in the discussion of points that are purely personal. The hon. gentleman has gone through a variety of calculations, to prove that the Company is ruined past redemption, and that at the end of the six years, it will owe nine millions sterling and upwards. If that is really the case, Sir, we are in a most deplorable state; but the hon. gentleman's calculations have ever been unfavourable to the Company and its servants. Let any gentleman read his minutes when first he arrived in Bengal, or his letter from St. Helena, or from his house in Harley-street to the court of directors; I am sure I do not mean to impute to the hon. gentleman an intention to deceive, but it is his custom to state the Company's affairs in the most unfavourable point of view. Mr. Hastings perhaps may, on the other hand, be too sanguine; but without disputing the hon. gentleman's calculations, or entering into the intricacies of the China trade, I will beg leave to state the transactions in Bengal, as they actually happened in the last 14 years. (A laugh). I beg the committee will not be alarmed, for I will pass over these 14 years in less than five minutes. Sir, the committee will recollect, that in the year 1770, bills were drawn upon the Company from Bengal, to the amount of 1,100,000*l.* at the recommendation of an hon. gentleman, not now a member of this House, I mean general Smith, and that this unexpected draft was made in a season of profound peace; the fact being, that after paying the civil and military charges, stipends, &c. there was not a sufficient surplus at the end of six years peace, for the purchase of our investment in Bengal. This threw the Company upon this House for relief, and to use the words of an hon. baronet, relief and reformation went together. The Regulating Act of 1773 passed, to which we owe the services of the hon. gentleman in India. In April 1772, Mr. Hastings, by the appointment of the Company, became governor of Bengal. At that period, Sir, the bond debt was 100 lacks, and unavoidably increased to 120 lacks soon after. Upon this system the Company could not be expected to go on. But, what was the alteration produced in four years?—Not only was the bond debt completely discharged, not only was an ample sum appropriated for the purchase of an investment, but there was actually a balance in the Company's treasury in Bengal of 177 lacks of rupees. Will the hon. gentleman deny that this state of prosperity was the consequence of measures adopted by Mr. Hastings, previous to his arrival in October 1774; or will he say it was owing to the economical retrenchments which took place subsequent to that period? I will not detain the committee by an investigation of the Mahratta war: it was as much condemned by Mr. Hastings, as by the colleagues of the hon. gentleman, general Clavering and colonel Monson, whose names I ever have mentioned, and ever shall mention with the utmost respect.

I am happy, Sir, on this day to have the honour of seeing the noble lord in the blue ribbon. He will do Mr. Hastings the justice to say, the second Mahratta war is not to be imputed to him. The noble lord is fully acquainted with every step taken by Mr. Hastings. He knows the intelligence he received, and the credit he justly gave to that intelligence. Sir, the second Mahratta war is solely to be imputed to the American war—a fact I am ready to prove at any time. The right hon. gentleman (Mr. Fox) said, and truly, at that time, that one consequence of the American war would be, our being involved in every quarter of the globe. The hon. gentleman has called upon the learned gentleman (Mr. Dundas) to assist him in exposing the wild schemes of Mr. Hastings; but will the hon. gentleman be pleased to recollect the ground upon which that learned gentleman proceeded? His argument was, Mr. Hastings has forfeited the confidence of the native princes of India—they will not treat with him. He cannot make the Mahratta peace; and therefore he ought to be recalled. Will the learned gentleman now hold that language? Will the learned gentleman now

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say that Mr. Hastings does not enjoy the confidence of the native princes; or that, at a moment of difficulty and danger, he did not conclude the Mahratta peace? What was the difference between the learned gentleman and the court of proprietors with respect to Mr. Hastings? Not that Mr. Hastings was a delinquent; I never heard the learned gentleman avow an opinion of his delinquency. The learned gentleman conceived that the removal of Mr. Hastings was necessary to conciliate the minds of the native princes of India, and for the establishment of peace. The court of proprietors were of an opinion directly contrary; and experience has shewn, that the proprietors were right and the learned gentleman wrong. Whether Mr. Hastings was, or was not the author of the Mahratta war; whether he gave too much credit to the intelligence transmitted to him from Europe or not; whether it was the act of a wise man, or a romantic attempt to march a detachment across India, is by no means the present question. Let us consider what was our situation previous to, and by the latest advices from India.

In the heighth of the Mahratta war Hyder Ally Cawn invaded the Carnatic. To preserve that important branch of our dominion in India, Mr. Hastings, at a moment when merchant ships would not attempt a passage to Madras, proposed sending 640 Europeans, and 15 lacks of rupees, to the Carnatic by sea, and sir Eyre Coote nobly consented to risk his high military reputation at the head of a defeated and dispirited army. Mr. Hastings also proposed to send a very considerable detachment to Madras by land: it was immediately formed, and joined sir Eyre Coote, before his second general action with Hyder; nor can I conceive, though the late House of Commons condemned the transaction, that the march of this detachment through the territories of Moodagee Boosla, was purchased too dear by the sum of money given to his son Chimnajee.

From that period, Sir, every possible assistance was afforded by the supreme council to the government of Madras; and after a variety of successes in a most difficult and arduous war, our army was besieging the French forces in Cuddalore, when intelligence of the peace, which has saved this country, arrived in India: but was any possible exertion neglected by Mr. Hastings to feed and pay the army at Madras, or to enable the Bombay forces to make that diversion, which at the most critical moment of the war drew Tippoo Saib out of the Carnatic?

Sir, the hon. gentleman, passing in silence over the dangers we have escaped, passing in silence over the difficulties we have surmounted, says, we have not peace with Tippoo Saib. I am not afraid of committing myself, by saying that I believe we have peace with Tippoo Saib; and that I believe he is utterly unable to continue the war. I believe also that his only chance for safety is in peace; but admitting for a moment that it is not concluded, have we a Mahratta war now to support? Have we seventeen sail of the line and six thousand land forces belonging to France opposed to us? Or is Tippoo Saib now in the heart of the Carnatic? We never can have such a combination to struggle with again; and I repeat it, that putting together the intelligence from Tanjore and Bussorah, I believe that at this moment the peace with Tippoo is concluded.

Without wishing to say any thing that may give offence, let us consider how the war has ended in different quarters of the world. In Europe we have lost Minorca; in America thirteen provinces, and the two Pensacolas; in the West Indies Tobago, and some settlements in Africa. We have contracted a debt of 100 millions and upwards, and have lost above a hundred thousand men. But in India, Sir, we have preserved all our former possessions, and we have yielded up Chandanagore, and all the French settlements in Bengal. We have yielded Pondicherry, Carical, and every settlement we had conquered from the French upon the coasts of Coromandel and Malabar. We have given back to the Dutch, Chinsurah, Calcapore, and their settlements on the coast, Negapatnam excepted. I should rather say, Sir, this nation has given up, and wisely given up the conquest of the East India Company, to prevent further sacrifices where they would have been more felt by the public. The Company has contracted a debt during this long and arduous war, not equal to one year of its net revenues; and shall it be styled a burthen upon the state; or shall its servants, who have exerted themselves so meritoriously, be calumniated, instead of receiving the praise due to their merit? But the hon. gentleman says, we have no

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security that economy will be practised in Bengal, except we argue in favour of future obedience, from past disobedience. If the fact is so, why, in the name of God, do you not remove those men who will not obey your orders? Is Mr. Hastings in the way of any scheme of reformation? Has he not expressly and anxiously written to desire that a successor may be sent out? I appeal to the noble lord in the blue ribbon, whether it has not invariably been the language of Mr. Hastings, "Remove me or confirm me, the government of India should be supported by the government at home; if you will not give me your confidence, recal me."

I, Sir, earnestly hope, that if his Majesty's ministers, or if the court of directors will not give their confidence to Mr. Hastings, they will instantly remove him. I hope, Sir, if they conceive that he will not rigidly execute every order they send to him relative to economical retrenchments, that they will instantly remove him. I have heard this language of Mr. Hastings's disobedience repeated in speeches; I have seen it inserted in pamphlets and newspapers; but, when gentlemen are pushed upon this subject, they are obliged to have recourse to the stale charge, of not sending Mr. Bristow to Oude, and Mr. Fowke to Benares. And here I must say, that whether Mr. Hastings is to be continued or not, or whoever goes out to succeed him, the government of India must be in India, and you must give up the ridiculous idea of appointing gentlemen to ministerial offices, either from Leadenhall-street or this end of town. The system is new and destructive in the extreme, of pointing out to your governments in India who they shall employ in offices of trust and importance, and can answer no end, but that of a mischievous extension of patronage at home, with the more fatal consequence of destroying the vigour, energy, and responsibility of the government abroad. Will the hon. gentleman, or will any other hon. gentlemen mention a single order sent from this country relative to economical retrenchments which has been disobeyed in the latter three years? There was, indeed, a difference of opinion between Mr. Hastings and the directors relative to the duration of contracts; but that is of a very old date, and will make no difference to the present argument.

I shall now, Sir, briefly state my ideas of what can be done in Bengal. You have authentic official advice that the army in Bengal has been considerably reduced. You know that colonel Morgan's detachment was on the 23d January within 12 coss of Gualior, consequently that by the 1st of February it would be on the banks of the Jumna, where it was instantly to be reduced. Admitting the peace not to be concluded with Tippoo, the services of the Bengal detachment at Madras were no longer necessary. I therefore believe most solemnly, that by the 1st of May every military expense of the Bengal army was brought within 110 lacks a year. Sir, it is the duty of the court of directors not to trust merely to this, but to point out specifically the reductions that shall be made, and to take care that the expense they authorize is not exceeded.

My estimate of military expenses is considerably higher than the establishment of 1777. The civil disbursements are not estimated at more than 39 lacks, including the expense of the supreme court of judicature; but allowing 50 lacks for the civil charges and the marine, allowing 20 lacks for stipends, &c. and 20 lacks for contingencies, beyond the very high rate at which I have stated the disbursements, and from the nett revenues of Bengal, Bahar, and Orissa, Benares, vizier's subsidy, and the profit upon salt and opium, including also the sale of our imports, there will remain a surplus of 157 lacks of rupees for the purchase of future investments, for paying the interest of the bonded debts of India, and for a gradual liquidation of the principal.

In stating the subsidy of the vizier, I confine myself to the 2 lacks and 60,000 rupees a month, which he pays for a complete brigade by the treaty of 1775. But his excellency is also engaged to pay 20,000 rupees a month for every regiment of sepoys which he may choose to station in his dominions beyond the complete brigade, and a fixed sum for the ordnance department. At present there are six regiments upon this subsidy in the vizier's dominions, which is so far a saving to the Company. If at any future period (of which I have no idea) the vizier should wish to recal all our forces from Oude, the line of defence will be circumscribed, and a proportional reduction of the army will take place; and when we are again brought within the banks of the Carumnassa, 80 lacks of rupees will provide for as large an army as will be necessary.

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I perfectly agree with the hon. gentleman, that from Bengal the interest of the bond debts of India must be paid; and the principal liquidated, whenever it is liquidated. Yet, Sir, I have the authority of lord Macartney for supposing, that on the re-establishment of peace, the Carnatic will bear its own expenses, and furnish a cargoe for Europe. I hope it will be so, and then it will be a relief to Bengal, which I have not yet calculated.

I did intend, Sir, to have made a few remarks upon the report of the select committee now before us, and to have noticed two or three very glaring errors; but I shall leave this to other gentlemen, as I dare say the observations will not escape them. I have the highest opinion of the integrity, ability, and impartiality of the gentlemen who compose this committee; but this, Sir, is an additional proof to me of the absurdity of a committee of this House entering upon the intricacies of an Indian account, without having a single gentleman amongst them, who, from local knowledge, and long experience, could be enabled to point out to them the necessary papers and documents which they should refer to. The mistakes I allude to are so glaring, that I am astonished how they could have crept into the Report.

Lord *North* said, he should not have troubled the House, but two things stated by the hon. gentleman who had just sat down had made it necessary. The hon. gentleman had imputed all the expenses incurred by the East India Company, and all the bloodshed in India of late years, to the American war. The American war, his lordship declared, had sins enow of its own to answer for, without being loaded with sins that did not belong to it; he begged, therefore, to deny the fact, and to assert, what he could assert with great truth, that the American war was in no degree chargeable with the burthens and calamities that had befallen India. When the war began with France, long after the American war was in existence, by the exertions of the British government, Pondicherry was taken and dismantled, Mahé was taken, and Chandernagore was taken. The French were dispossessed and driven out of India; they had not a settlement in that quarter of the globe left to set a foot in. That afterwards, by the mismanagement of the Company's servants in India, the torch of war was lighted afresh in that country. Peace was not kept with the Mahrattas; we quarrelled with the nizam, then with the nizam's brother, and afterwards with Hyder Ally, who invaded the Carnatic; this invited the Europeans to carry their arms to India; this brought the French back again to the coast of Coromandel, after they had been expelled from every part of that quarter of the globe; this brought the Dutch upon our backs in India; and hence all the expense, all the bloodshed, all the disasters that had happened there. The damage, therefore, that the affairs of the English East India Company had suffered, had been owing solely to the imprudent management of their servants abroad. With regard to the other point, that Mr. Hastings ought either to have been recalled, or confirmed in his government, it was undoubtedly true; it was true likewise that Mr. Hastings had, even during his administration, requested to be recalled. That he had not then been recalled, the hon. gentleman had said, rested with the noble lord; it had not, however, rested with the noble lord, as the hon. gentleman had been pleased to term him; the noble lord had it not in his power to recal him; some persons who sat near the hon. gentleman, could tell him, that the noble lord could not recal him; nay, those who had much more power than the noble lord ever possessed, found themselves unable to recal Mr. Hastings. That House they all knew endeavoured to recal him, and determined that he should be recalled; but even that House, omnipotent as it was, had not been able to effect its purpose. The fact, therefore, undoubtedly was, as Mr. Hastings might boast, and as his friends and representatives might boast, and as the hon. gentleman had boasted for him, Mr. Hastings had repeatedly desired to be recalled; government had listened to his requisition, and wished to gratify him; that House had wished to gratify him; nay, they had resolved that he should be gratified, and the court of directors had agreed to it; but it so happened, that while Mr. Hastings desired to be recalled, while he insisted on being recalled, while government and the House of Commons desired that he should be recalled, while the court of directors were willing to recal him, his own friends, and his own party, among the proprietors of the East India Company, constantly contrived at the general courts to disoblige Mr. Hastings, to deny him the favour he requested, to disappoint

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government, to frustrate the resolutions of the House of Commons, to disannul the votes of the court of directors, and effectually to prevent his recal.

Mr. *N. Smith*, chairman of the Company, rose to vindicate the statement of the directors, on which the committee had made so full a Report. His object was to give a complete refutation of the commentaries and conclusions of the select committee; and in order to do this, he went through the Report paragraph by paragraph. He explained various errors, particularly where the committee asserted, that the charges of collecting the revenues in Bengal appeared to be 500,000*l.* a year less four years ago than they were at that time; whereas the fact indisputably was, that they were 50,000*l.* less now than they were then. The committee had also drawn a comparison between the civil charges in Bengal in 1777-8 and 1780-1, and stated, that in the former period they were 466,477*l.* and in the latter 589,056*l.*; the natural conclusion of which statement was, an enormous increase of expenses, no less than 120,000*l.*: but Mr. Smith stated the fact to be, that the expense of the latter period was less than the former by 10,000*l.* and the apparent excess was occasioned by the sum of money advanced in March 1781, to Chimnajee Boosla, which was entered among the civil charges of 1780-1. He concluded, from the view which he had taken of the whole, that the circumstances of the Company were extremely satisfactory, and calculated to encourage, not to alarm.

Mr. *Eden* said, that knowing the indisposition of the House to involve itself in a detail of accounts, however interesting and important the result of those accounts might be, he would leave the Report to the defence of its own accuracy, and to the judgment of all unprejudiced men; if in so large a variety of matters as were necessarily comprehended in that inquiry, any errors should be found in the different statements, he should neither be surprised nor mortified by the discovery: he would say more, he should sincerely rejoice at such a discovery, if it tended to place the affairs of the Company in a more promising state than they had appeared to the committee. He had not yet heard of any such errors; for with respect to what had just been stated as such by the worthy chairman of the Company, he would take some future occasion to shew that the inaccuracy was in those who construed the Report, and not in those who framed it; in the mean time it was fully sufficient to observe, that the particulars mentioned, even if erroneous, which he denied, were immaterial to the public consideration, as none of them were brought into the charge in the general estimate of the Company's affairs. But he had other reasons for declining this kind of contest. He waged no war with the directors; the whole tenor of the Report would prove this; for it gave at least fifty flat contradictions to the directors accounts, without a single expression tending either to criminate or censure. He waged no war with Mr. Hastings, nor with the representatives of Mr. Hastings, if there were any. With respect to India discussions, it was indifferent to him whether Mr. Hastings was no better represented than the city of Westminster, or whether he had more representatives in that House than the city of London and the county of Middlesex: so far as personal considerations could influence, he was bound to feel a partiality towards Mr. Hastings, who had shewn peculiar kindness to some of his nearest connexions. Lastly, he waged no war with the East India proprietors: on the contrary, every step which he had taken in this business would in due time be acknowledged by the honest proprietors of the Company (of which description there was a large proportion) to be most friendly to their real and permanent advantage. He had been actuated through the whole business by a fair solicitude to obtain lights which might prevent a bankruptcy, that would first burst upon the commercial interest, and would afterwards overwhelm the landed interests of the kingdom. In this solicitude there was no idea of despondency: he did not mean to intimate that the Company's affairs were irretrievable, if fully and fairly brought to view; but he would venture to assert, that if parliament declined the task of examining and probing the disorder to the bottom, if the present measures were merely to skin over the wound, the consequences must be most calamitous to the Company and to the public. In this persuasion he had entered into this inquiry, and could clearly appeal to those who had assisted and instructed him in that inquiry, for the fairness with which it had been conducted; in the committee, indeed, he had the advantage of three or four particular friends, men of known and acknowledged talents and integrity: but the majority of

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the committee, though composed also of gentlemen equally entitled to such attributes, were utterly unconnected with him in the line of public life; and yet he could venture to say, that there never was an instance in which any committee had acted from its beginning to its end with such complete unanimity. He could not, therefore, submit to stoop to the task of defending the Report of such a committee; it was before the House and the public; let it be judged by the House and the public; and let it also stand the test of such events as it might be construed to predict.

He said, that he had heard with great surprise the Chancellor of the Exchequer's opinion, that if relief should be given in the extent and manner asked by the Company, the directors would be able for the future to be regular in their receipts and payments. He knew that the right hon. gentleman was a bold statesman, and was willing to pay due homage to an intrepidity well suited to the difficulties of the times: but he knew also, that the right hon. gentleman possessed singular wisdom and foresight, and could not reconcile to such qualities the risk of an opinion, the fallaciousness of which a few months might demonstrate. Surely the difference between the state of the Company, as described in the first report of the directors, which gave the intended detail of receipts and payments, and the amount of the various articles which had since come to light, would shew too much cause to suspect the solidity of such an opinion. He here stated to the House, the amount of various articles of charge beyond what was stated by the directors; the whole amounted to above eight millions sterling. He had been induced to state these articles to illustrate his doubt, whether the relief prayed in February last would be adequate to the wants of the party in the present month, when in the interim such large deficiencies had been ascertained. It would have been easy to swell this catalogue still farther. He abstained from all remark on the supposed revenues and expenses of the different territories and settlements; but it was a wide field of observation, and what opened very melancholy prospects in the present state of India government. He abstained also from all discussion of the directors plan of commercial resources, which the committee had shewn to be incompatible. Credit had been taken by the directors for all the effects of a reform from the date of their Report; but the chairman had just assured the House, that the directors were "going to order retrenchments." Past experience had shewn, that the orders of the directors were invariably disregarded, except when they tended to promote expense or protect peculation; but in the present instance, there was not even the decency of a vain endeavour. Lastly, he would lay no stress on this whole fabric of a delusive imagination being erected on the necessity of an uninterrupted peace in India and in Europe to the year 1790; though it was not yet known that it had taken place in India.

The right hon. gentleman had intimated an expectation that, though large bills had been drawn in Bengal, a proportionable increase of goods had been accumulated: he would only remark, that this hope, however reasonable, was not yet verified by any evidence or correspondence. There had also been much conversation on the degree in which the public is bound by the authority of parliament to enable the Company to draw or accept bills. He was not disposed to adopt either opinion in its full extent; but he had no doubt in saying, that if the authority of parliament was pledged to the bill-holders, parliament was at least bound to protect them so far as not to permit the Company to divide the money of the bill-holder, and to protect his bill: and this remark would materially apply to a great proportion of the bills at present unaccepted.

Mr. *Atkinson* began with declaring, that under the disinclination the House had expressed to pursue the debate farther at present, he should not have attempted to take up the time of the House, had not the right hon. gentleman, running in a cursory way through nearly the whole subject, assumed, as uncontradictory and undeniable truths, almost all the points in the Report of the committee, wherein it differed from the Reports of the directors. That, very far from acknowledging obligation for the gentle manner in which the right hon. gentleman claimed the credit of having stated his contradictions of the directors Report, he laid in his claim to be heard on a future day, when he trusted he should be able to shew, that in every point where the two Reports contradicted each other, the directors were in the right, and the right hon. gentleman in the wrong; and would not, unless it was their pleasure, trouble the House farther at present.

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Being called upon to go on, he proceeded to state the necessity of attending to the order of the House upon which the directors were to make their Report, and that it was confined to the degree of relief by postponement of duties and acceptance of bills, which, in the opinion of the directors, would be sufficient for their affairs. Accordingly, he said, the directors had stated an estimate of their receipts and payments in England, with as much accuracy as the nature of the case admitted; but had never professed accurately to state any estimate of their receipts and payments abroad, which was plainly impossible to be done with any exactness: therefore, under this last head, they had contented themselves with giving a general view of their revenues and resources abroad (independent of what they had computed upon, as applicable to their commercial investments) and of the debts and services to which they were applicable; and had only drawn this general inference, that there was no reason to apprehend that farther bills would be necessary to be drawn in aid of those revenues and resources; seeing that, whilst great difference of opinion might prevail about the degree to which those revenues would be productive, there was no reasonable ground to suppose the revenues, which before the war had produced a very large surplus, would not still produce some surplus; and that whether that surplus discharged the burthens upon it a little sooner, or a little later, was not very material to the propositions upon which the directors were ordered to state their opinions; that this distinction so necessary to the forming a just judgment on the subject, was wholly confounded by the report of the committee; who, bringing their observations to one point, but professedly leaving any conclusion upon the estimate of receipts and payments out of their discussion, although it was the sole object of the inquiry, had, in a desultory way, thrown out a large mass of animadversions, tending greatly to grounds of general distrust, and had so obscured a plain subject, by confounding Indian receipts and payments with those in England, and presenting lists and appendixes in such a variety of forms, that none but those who were tolerably masters of the subject could understand them.

He here entered into a confutation of each head of objection which Mr. Eden had stated in his speech. Having done which, he defended the directors from the imputation of negligence, in not having yet sent out a system of reduction of all the establishments in India, and enforced it by positive orders. He also defended the servants abroad from the imputation of systematical disobedience of orders, and appealed to the candour of the House, whether it was possible for the directors to take up such arrangements to any effect, while their affairs in parliament remained unsettled. He said, that he did with confidence maintain, that proper retrenchments would be made, because he knew enough of the sentiments of his colleagues in the direction, to take upon him to say, that they would be made as soon as the directors could to any purpose take them up. He ended with an exhortation to the House to lose no time in freeing the Company from the restraints imposed upon it, and to treat its affairs with that liberal justice which the important advantages derived to the state through the medium of its institution and commerce so well deserved.

Mr. *Fox* observed, that he was astonished to find that the Report of the committee had that day been combated. He had fondly imagined, that a Report which had been unanimously agreed to by a committee, the majority of which supported the present administration, and had differed from him in every question he had proposed relative to India, would not have been combated this day; he imagined it would have been admitted on all hands, that the fallacy of that account must be glaring indeed, when a committee, consisting of persons who agreed scarcely in any thing, unanimously concurred in condemning the account laid before the House by the directors of the East India Company. He wished for a moment to inquire what that Company was; and as, while he was in office, he faced the danger which threatened first, and at last effected his downfal as a minister; so now, when he had nothing to fear from the Company, it could not be expected that he would hesitate to speak his sentiments freely to that body. Who then were the Company? Not the directors, for they were avowedly only a representative body. Not the governors and officers abroad, for they were the servants of the Company. Not the court of proprietors, for they had, comparatively with the public, a very small interest in the wealth and property of the Company: their interest went no farther than their dividend, which, at 8

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per cent. did not exceed 240,000*l.* a year. This was a small sum, when compared with the interest the public had in the Company's prosperity; at that moment the Company owed the public a million, and the annual duties paid to the public on the imports of the Company, were greater than the Company's dividend.

It had been said, that the Company was the conduit-pipe through which the territorial revenues were brought to England on the account of the public; but in truth and in fact, it might more properly be called the conduit-pipe through which the wealth of the Company's servants was brought home: he called them servants, in conformity to a mode of speaking which had generally prevailed, though it was well known that they were the masters, and not the servants, of the Company: this must have been the case, or a governor-general would never have dared to disobey the orders of the court of directors, and give the audacious reason for his disobedience, that it was because it was their order. It had been said, that orders not only might, but ought, sometimes to be disobeyed; he admitted the truth of the proposition; but he believed that instances of such orders were very rare: but, though a governor-general might disobey an order at one time, there could be no reason to justify him in disobeying it a second time, after his masters had condemned his disobedience in the first instance, and cautioned him not to disobey it a second time. And yet this second injunction had been treated with as much contempt as the first by Mr. Hastings, in the affair of Mr. Bristow; and when at last the Company thought proper to give up the point, he then did, to please himself, the very thing which he had refused to do in consequence of orders from the directors. Mr. Hastings had a very bad or imperfect recollection of past transactions, as appeared from his letters, where he said he had not drawn on the Company for any supplies, pleasing at the same time to forget, that there were at this moment bills drawn by him, not yet paid by the Company, to the amount of near five millions. He was as little inclined to give him any credit for great foresight in his speculations in politics; for though he would have the public think that peace was as good as concluded, and that Tippoo Saib would never dare to continue the war, he wrote word, that Tippoo had recalled his ambassador from Poonah, and was preparing for war. Gentlemen ought not to take it for granted, that, because France was now at peace with us, and had withdrawn her troops from the service of Tippoo Saib, that prince could receive no assistance from them: he should be sorry to impute, and he certainly did not mean to impute, to the court of France any intention either to renew the war with us, or to give any underhand assistance to Tippoo Saib: but still it was possible, if it was the intention of that court, to give assistance in a thousand different ways, without appearing to violate the peace; nay, the very circumstance of a French army being near his dominions, was in itself an assistance. He admitted there might be some probability that Tippoo Saib would not continue a war which, to all appearances, would be contrary to his interests: but he bid gentlemen beware how they trusted to glosses given to the affairs of a country lying at so great a distance as India does from this kingdom. Before any power in Europe declared for the Americans, people thought it probable that perhaps France might interfere, and take part in the quarrel; but every man in England thought it was impossible that Spain should ever enter into that war as an enemy to Great Britain, and consequently as a friend to the independence of America. Spain, however, did that which every man, unacquainted with the great springs which set that monarchy in motion, fondly imagined to be impossible. Why, then, might not Tippoo Saib do what appeared to us improbable that he should do? and which appeared improbable, only because we are unacquainted with the disposition of the neighbours of that prince.

Mr. Fox concluded by expressing his anxiety to see the new Bill for new modelling the East India Company. He still thought his own Bill the best: but he recommended it to the right hon. gentleman to take away the powers of mismanagement from the courts of directors and proprietors, and from the servants abroad. The Company was at present a sink of corruption and iniquity; and, let the right hon. gentleman do what he would with the patronage, he would be satisfied, if it was taken from the Company: for his part, he had rather neither the directors nor the crown had it; but if of two evils he must choose one, he had rather see the patronage at the whole disposal of the crown, than continued in the hands of

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those who had always most shamefully abused it. He charged the gentlemen who had acted as the representatives of Mr. Hastings that day, with having exhibited a passion which he would not name, but which, he said, was something as unlike modesty as possible.

Mr. *Dundas* said, that his chief view in rising was to endeavour to bring the minds of gentlemen back to the question, which simply was, Whether relief should be given to the East India Company, as far as regarded the situation of their affairs at home? This question, he conceived, rested entirely on grounds more immediately within the general comprehension of the House than the vast variety of topics that had been discussed with regard to the situation of their affairs abroad, the state of their bond debt in Bengal, the probable investments that would be made for some years to come, and how far their claims upon certain renters in the Carnatic were likely to be satisfied. The information the House had before them, and which had not only given occasion to the present question's being moved, but which also formed the sole grounds the House could decide upon, arose out of a petition of the East India Company, asking a farther respite of duties, and a Report of the directors of that Company, stating the condition of their affairs, together with a Report of a committee of that House, alleging certain facts as the result of the investigation they had been employed in conducting. Among the other causes of his having been appealed to in the course of the debate, one had been on account of his having acted as a member of the committee that made the Report, stating certain comments upon the Report of the East India directors. With regard to that circumstance, he had little share indeed in the drawing of the Report, which was chiefly formed out of materials collected by others, who with great industry, ability, and judgment, had made a considerable progress in digesting the account of the facts stated to the House as the result of their investigation, before he was chosen a member of the committee. The materials of the Report having been for the chief part collected before he was upon the committee, the best way of discharging his duty he felt to be, by comparing the facts selected to be reported, with the information and the evidence whence those facts had been adduced; and, upon finding that the one fully bore out the other, he had joined in opinion with the rest of the committee, that those facts were fit to be reported. The committee had been unanimous in confining themselves to facts solely, and in not annexing opinions upon those facts; this they had been induced to agree to, from its being evident that upon the same facts there might be different opinions; and therefore to have gone into opinion would have led to endless controversy. Having thus explained what the committee had limited themselves to in preparing the Report, he said he held himself as free, in consequence of what he had mentioned, to discuss the facts stated in the Report, and to reason upon them, as any gentleman who had not been of the committee. He then entered into a consideration of several of the remarks and animadversions upon the Report made by Mr. Atkinson, admitting the propriety of some, and denying that others were founded. He said the short question was, Were the House willing, in consideration of what they knew of the state of the Company's affairs, to afford the Company that relief necessary to the carrying on of their trade; or were they, from an idea that the Company's affairs were in an unpromising condition, ready then to clap hands on the goods in their warehouses, and to recover the money due to the public for duties, by an immediate sale of such of the property of the Company as was then capable of being attached? For one, he declared he had not the smallest difficulty in saying, he was not ready to give his consent to any such attachment; but he was, on the contrary, perfectly ready to join in affording the Company the relief the exigency of their affairs at home prayed for. He shewed the reasonableness of the requisition on the part of the Company, and the safety with which that requisition might be complied with on the part of the public. The respite of duties was all that was asked; and as a security for that respite, the public would have the satisfaction of being certain, that the Company's warehouses were so full of goods, as to contain a sufficient quantity to furnish an annual sale, to full the usual amount of the Company's sales for three years to come; and a prospect, scarcely liable to failure, that those warehouses would be fed with a supply of goods from India, fully equal to the continuance of the Company's sales, for three years longer than the three years immediately commencing. He next answered the appeal that had been made to

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him relative to the opinions he had formerly delivered on the subject of Mr. Hastings's conduct. He observed, that he had been charged on the one hand with not having carried the declarations of his opinion upon the conduct of Mr. Hastings far enough; and on the other, with having pushed them too far. This was, he said, precisely the situation he should be most ardently desirous of standing in with regard to Mr. Hastings, viz. between the two extremes; and to be considered as neither a harsh censor of that gentleman, nor as too enthusiastic an eulogist. His opinion of Mr. Hastings at that moment was exactly what it ever had been. He acquitted Mr. Hastings most decidedly of having caused the Mahratta war; but he thought him to blame for not having put an end to that war sooner by means of the treaty of Poorunda. While he passed so much blame on the conduct of Mr. Hastings, it was a debt of justice that he should declare, when the Carnatic was invaded Mr. Hastings proved himself a man of resources, a man of a vigorous mind, and an able chieftain, by the exertions he made for the relief of Fort St. George. It ought to be remembered, that at the moment when the Carnatic was so unexpectedly invaded, had not the ill conduct of Hyder Ally, his timidity, or want of confidence in his army, or some unknown cause or other, prevented his marching his troops up to the walls of Fort St. George, Madras must have fallen. At that critical period, when the other members of the supreme council at Bengal met again and again, and parted in despair, without resolving on any measure whatever, Mr. Hastings alone determined on a vigorous effort to retrieve the desperate affairs of the Company in India; and there was not a doubt, but by spiritedly carrying on the bold enterprise he determined on, by his famous minute of council, into speedy effect, he had saved Madras. Mr. Hastings also had all the merit he assumed in his letter of the 16th of December last, of having on many critical occasions supported the other presidencies by a prompt and liberal relief.

Leave was given to bring in the Bill.

Debate in the Commons on Mr. Pitt's Bill for the Government of India.] July 6. In pursuance of the notice he had given, Mr. Chancellor *Pitt* rose to open his new system for the government of India. No one, he said, could be more deeply impressed than he was with the importance of the subject on which he was then going to enter: in whatever point of view he considered it, he felt that no subject could possibly be more interesting. In it were involved the prosperity and strength of this country; the happiness of the natives of those valuable territories in India which belonged to England; and finally the constitution of England itself. India had at all times been of great consequence to this country, from the resources of opulence and strength it afforded: and that consequence had, of course, increased in proportion to the losses sustained by the dismemberment of other great possessions; by which losses, the limits of the empire being more contracted, the remaining territories became more valuable.—He was aware that nothing could be more difficult than to digest a plan, which should at once confirm and enlarge the advantages derived to this country from its connexions with India; to render that connexion a blessing to the native Indians, and at the same time preserve inviolate the essence and spirit of our own constitution from the injuries to which this connexion might eventually expose it. Gentlemen would recollect with a degree of horror, to what dangers that happy constitution was exposed last year, when a bill was introduced into parliament which would have established a system dangerous to every thing that Englishmen held dear; they would recollect, that the liberties of this country had nearly suffered shipwreck: the danger, however, was happily over; and the legislature had now an opportunity to consult about the means the most likely to reconcile and secure the interests of the people of this country, of the people of India, and of the British constitution, as far as it might be effected by the connexion with India. To his lot fell the arduous task of proposing to the House a plan which should answer all these great purposes. He was aware that no plan could be devised, to which some objections would not lie: he was aware that it was not possible to devise a plan that should be free from imperfections; he should therefore console himself if he should be able to suggest the means of doing the most good to India, and to the East India Company, with the least injury to our constitution. In the arrangements that he should propose, it would be impossible to proceed, without giving to some body of men an accession of power; but it was his

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duty to vest it where he should have reason to think it would be least liable to abuse, at the same time that it should be sufficient, and not more than sufficient, for all the purposes for which it should be given; sufficient to secure to this country the wealth arising from the commerce of the Company; to the inhabitants of Hindostan peace and tranquillity; and to enforce obedience on the part of the servants of the Company, to the orders that should be sent to them from home. In framing such a system, he thought it his duty never to lose sight of this principle—that though no charter could or ought to supersede state necessity, still nothing but absolute necessity could justify a departure from charters. He admitted that charters ought not to stand in the way of the general good and safety of the country; he admitted that no charter ought to be suffered to stand in the way of a reform, on which the being or welfare of the country depended; but at the same time he contended, that a charter ought never to be invaded, except when the public safety called for its alteration: charters were sacred things; on them depended the property, franchises, and every thing that was dear to Englishmen; and wantonly to invade them, would be to unhinge the constitution, and throw the state into anarchy and confusion.

With respect to the India Company, its affairs were not in a state that called for a revocation of the charter; the necessity which would justify a revocation did not exist in this case; and he felt no small degree of satisfaction in the assurance, that at the moment when he had to propose such measures for the government of India, and the conduct of the affairs of the East India Company, as to his judgment appeared most applicable, there no longer existed any danger of the best and most sacred rights of Englishmen being made a sacrifice to the ambitious projects of those who, under the necessity that actually existed, had taken the desperate resolution, that nothing short of measures of the most decisive and extreme nature, and measures far exceeding the necessity of the case, could be effectual. He thanked God so great a sacrifice had been escaped; and he trusted that the sense plainly and incontrovertibly declared to be entertained upon the subject by the majority of the people of England, would prove to be the sense of the majority of that House; and that they would join with him in opinion, that although it must on all hands be admitted that there did exist a great and urgent necessity for the interference of the legislature with regard to the East India Company and the future government of India, yet that neither state policy nor common prudence called for the legislature's proceeding beyond the limit of the existing necessity, much less of going the length either of destroying the rights of any individuals or bodies of men, established upon the most sacred of all foundations, the express words of solemn charters recognized and confirmed by repeated acts of parliament, or of directly changing the constitution of the country, and departing from those known principles of government which the wisdom of our ancestors had provided, and which had proved for ages the uninterrupted source of security to the liberties of Englishmen. It was, he said, to be acknowledged on all hands, that no rights of any body of men, however confessed to be rights of the most sacred sort, could supersede state necessity. To that, and that alone, they must give way; but then it ought ever to be a rule of conduct with those to whose lot it fell to act under such a necessity, to take care that they did not exceed it. Nothing but such a necessity could warrant any government in proceeding to do what must be an unwelcome task for all who had any concern in its execution; but when they found themselves obliged to discharge a duty of that irksome nature, they ought to proceed warily, and with all possible tenderness and regard for those with whose rights they felt themselves obliged to interfere; and to be assured, that in endeavouring to do all that their duty required, they did not unnecessarily tear up by the roots and annihilate those rights that were of essential consideration, and ought not to have been touched, because the exigency of the case did not actually require it. And though on a former occasion he had been derided, when he comforted himself with the idea, that, in every departure he should propose from the charter, he should have the consent and concurrence of the Company, he still continued to find great consolation in the reflection, that he did no violence to the Company; for no violence could be said to be done by regulations, to every one of which the Company most cheerfully consented.

He did not find it necessary to create any system absolutely new for the govern-

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ment of our territories in India; he should rather endeavour to improve on the system by which those territories were governed at present. The great considerations to be looked to in the regulation of the government of India were threefold—the commerce of this country with that, and consequently the resources we derived from it; the interests of the inhabitants there; and the connexion that the management of both had with our own constitution. Great inconvenience must, under the best possible devised form of government, necessarily arise from the circumstance of any country deriving a considerable part of her resources from a dependency at so great a distance; and this must also add to the extreme difficulty of governing India from home, because that distance must necessarily prevent the government at home, and those who filled the executive offices in India, from acting with equal views. For this reason he must repeat what he had before taken the liberty to state, when the subject had been under the consideration of the last parliament, that as no plan of government for India that human wisdom could suggest, was capable of perfection, so he was far from presuming to think that the plan he should propose would not occasion much difference of opinion, and be liable to a variety of objections. He could only with great humility submit that plan to the judgment of parliament, which from the maturest consideration, he had been able to select as the most practicable and the most consonant to the present constitution; conscious at the same time, that it was impossible for him with so many different subjects to attend to, to have found leisure to do justice to a matter of sufficient importance to engross the attention of any man whose mind had been vacant and unoccupied by other objects. To proceed however to the business to be stated, he observed, that it could not be denied, that in every project of government of India there must be an accession of influence somewhere, which it became that House and the people in general always to regard with extreme jealousy. That influence, for obvious reasons, should not be left at home, but might with greater safety be trusted abroad in India, where the executive power must be lodged; as every man must see the necessity of having a government active on the spot, yet not independent of this country; but so constituted as to secure obedience to the system of measures dictated from home, while at the same time it was capable of preventing extortion in India, and frustrating the improper views of ambition and despotism. The channel of commerce, he said, must be our guide, as to our future expectations from our connexion with India, since we ought to look to the management of our manufactures there, which must chiefly depend on the establishment of the happiness of the inhabitants, and their being secured in a state of peace and tranquillity. In order to effect this, he declared it would be necessary to give the government abroad a certain degree of power, subject only to the control of a board, to be appointed at home, of the nature that he had mentioned, when he had proposed a Bill upon the same subject to the last parliament. He observed, that in the present consideration there were mixed interests to be regarded as well as mixed objects. Government and commerce were the two great objects to be looked to, while the interest of the East India Company, and the interest of the country, called for their most serious attention. The commerce of the Company exclusively belonged to them; nor was it till the territorial acquisitions of the Company became considerable, that the public claimed any participation in the advantages arising from the resources of those acquisitions, in the obtainment of which they had borne so large a share. The commerce to and from India, therefore, he meant to leave, where it ought to be left, in the management of the Company.

It had, he remarked, been ever held, that commercial companies could not govern empires; but that was a matter of speculation, which general experience proved to be not true in practice, however universally admitted in theory. The East India Company had conducted its commerce, and governed a vast empire for years; and it was to be remembered that the East India Company was no new establishment; it rested on charters and acts of parliament; those charters ought undoubtedly to be regarded, and as far as possible, the rights exercised and enjoyed under them ought to be held sacred. But as he had before observed, there were no rights, that by accident or time became fatal to the interests of the public, or to the safety of the state, which must not be touched. The matter was, how to connect the constitution of the Company with the

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national interests: from that regard and attention to chartered rights which he ever should profess, and which every man ought to practise, he had been led rather to consider, whether it was not possible to model the old constitution of the Company, so as to make it answer every view of the state, and every interest of the public, rather than to make a new one; not thinking it necessary to confiscate, annihilate, and destroy, where the purpose could be attained without proceeding to any such violent lengths.

In the measures to be taken for the future government of India, if they had the Company's concurrence, it would surely be admitted that they took the safest line; that they had pursued the wisest course; and the measures he should propose, were such as the Company agreed to. The control he had mentioned ought undoubtedly to remain where the constitution had placed all power, in the executive government of the country. The management of the commerce he meant to leave with the Company. The patronage should be separate from the executive government; but be it given where it would, he should propose regulations that would essentially curtail and diminish it, so as to render it as little dangerous as possible. The patronage, however, he would trust with no political set of men whatever. Let it be in India, it would be free from corruption then; and when exercised under the restrictions and limitations he should propose, could, he flattered himself, be attended with no bad consequences.

He enlarged upon these points considerably; and then said, from what he had stated, the House would doubtless observe, that the Bill he meant to move for leave to bring in, was not different from former Bills that he had stated to the House. The great point of it, as far as he had opened it, was the appointment of a separate department of board of control, to whom all dispatches should be transmitted, and who should be responsible for what they did, and for what they did not do; who should blink nothing; who should be obliged to act upon every question that came before them; who should not shew any indulgence or partiality, or be guilty of procrastination; who should not have the plea of other business, or in fine, on any pretence, or in any other way whatever, put off or delay the duties of their office. This institution, though certainly new, was not charged with new duties; because the same powers of controul had been given to the secretaries of state by various acts of parliament, but unfortunately they had never been exercised, having been suffered to remain dormant. He wished, therefore, to put it out of the power of that degree of laziness natural to office, any longer to defeat the public interest, by the institution of a board necessarily active and efficient. He was aware that many persons, who in general disliked, as much as he had done, the violence of the measures proposed in another Bill, approved the idea of making the board of commissioners, to be instituted under the authority of that Bill, permanent. He was not of this opinion; sure he was, that the permanency of such a board as that Bill proposed to institute, would have added to the mischiefs of it. Such a board would have been in itself a deviation from the principles of the constitution, and its permanency would have involved it in contradictions to the executive government that must have been attended with great public inconvenience. An institution to control the government of India must be either totally independent of the executive government of this country, or it must be subordinate to it. Ought the administration of the day to have no connexion with what was going on? Let it be remembered that a permanent board might be hostile to those who held the government at the time; a view of it, which, he trusted, would sufficiently prove, that an actual independent permanency in any such board would be an evil. The existing government ought to be, to a degree, permanent; but the Indian department must not be independent of that: he meant, therefore, to give it a ground of dependence, upon which all the various departments had a natural and legitimate dependency; viz. upon the executive government. Every government that had no other object than the public good, that was conscious of acting upon no other principles than such as were perfectly constitutional, that was swayed by no motives of a personal, an interested, or an ambitious nature, but which possessed a sufficient share of the confidence of the sovereign, of parliament, and of the people at large, would, from its conduct, be permanent; and the Indian government would be so of course. Having said this, he animadverted on the danger of once de-

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parting from the constitution, by appointing such a commission as the Bill that had passed that House, but which had been rejected by the Lords in the last parliament, authorized. He remarked, if the practice once obtained, there was no saying to what extent it might be carried, or how often the precedent might be multiplied: admitting it to pass in the instance of the late Bill, they might have proceeded to separate and tear away all the departments from the crown, and put them one after another into so many parliamentary commissions.

With regard to the objections that had been started, and the reasons that had been urged to prove that the Company's directors ought not to be excluded from an insight of the papers of the commissioners, he was willing so far to give way to the arguments of that nature, as to permit the court of directors to see the papers of the commissioners; but they were to have no power of objecting: the decision of the commissioners must be final and binding upon the directors. He meant also to invest the commissioners with a power to originate measures, as well as to revise, correct, alter, and control those of the Company: but with regard to such measures as the commissioners originated, the Company were to be obliged to carry them into execution. This, he observed, took nothing from the Company; since, in fact, it was nothing more than the power to put a negative on their measures, and the power of altering them, acting in another way. With respect to the appointment of the commissioners, he said, it was meant to be the same as that of persons holding great offices, viz. at the nomination of the crown. It was intended that the board should consist of none but privy counsellors; but the board should create no increase of officers, nor impose any new burthens, since he trusted there could be found persons enough who held offices of large emolument, but no great employment, whose leisure would amply allow of their undertaking the duty in question. And this circumstance, he observed, would have a good effect for the future, in rendering it necessary for ministers, when, by way of providing for their families, they appointed to offices hitherto considered as sinecures, to have some other consideration of the ability of the person about to be appointed to fill it; a consideration that could not but occasion the description of offices to which he was alluding, to be well filled for the future. The principal powers of this board, he recapitulated, would consist in directing what political objects the Company's servants were to pursue, and in recalling such as did not pay obedience to such directions, or be able to give very satisfactory reasons to shew that circumstances rendered disobedience a virtue. The board would be strictly a board of control: it would have no power to appoint, nor any patronage; consequently it could have no motive to deviate from its duty.

Thus much, the House would see, related solely to the government at home. With regard to the government abroad, the first and leading ideas would be to limit the subsisting patronage, and to produce a unity of system, by investing the supreme government to be seated in Bengal, with an effectual control over every other presidency, and by investing that supreme government with executive power, and with the disposition of offices in India; but to make it a matter less invidious, and to prevent the possibility of abuse, gradation and succession should be established as the invariable rule, except in very extraordinary cases: with a view to which, there must be lodged in the supreme government, as in every other executive power, a discretion, which every man must see was actually necessary to be vested in an executive power, acting at such an extreme distance from the seat of the supreme government of all, but which was nevertheless to be subject to the control of the board of superintendency to be established here at home, whose orders in this, as in every other case, the government of India must obey. Though Bengal was designed to be the supreme government, it was not to be the source of influence: that being as much as possible guarded against by the regulations designed to make a part of the Bill. The officers of the government of Bengal were intended to be left to the nomination of the court of directors, subject to the negative of the crown; and the court of directors were to have the nomination of the officers of all the subordinate governments, excepting only of the commander in chief, who, for various reasons, would remain to be appointed by the crown. He said, it might possibly be argued, that if the crown nominated the commander in chief, and had a negative upon the rest of the appointments, all the patronage remained

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in the hands of government at home. This, however, was far from being the case; the patronage of great appointments not being the sort of patronage for the public to entertain a jealousy about, and the other patronage being diffused and placed in Bengal, the influence from it was considerably weakened and diminished; add to this, all officers going by gradation and succession, would be a forcible check upon the patronage, and tend greatly to its reduction.

Having discussed this matter very fully, Mr. Pitt proceeded to state, that much would depend on the manner of administering the government in India, and that his endeavours should be directed to enforce clear and simple principles, as those from which alone a good government could arise. The first and principal object would be to take care to prevent the government from being ambitious and bent on conquest. Propensities of that nature had already involved India in great expenses, and cost much bloodshed. These, therefore, ought most studiously to be avoided. Commerce was our object, and with a view to its extension, a pacific system should prevail, and a system of defence and conciliation. The government there ought, therefore, in an especial manner to avoid wars, or entering into alliances likely to create wars. At the same time that he said this, he did not mean to carry the idea so far as to suggest, that the British government in India was not to pay a due regard to self-defence, to guard against sudden hostilities from the neighbouring powers, and, whenever there was reason to expect an attack, to be in a state of preparation. This was undoubtedly and indispensably necessary; but whenever such circumstances occurred, the executive power in India was not to content itself with acting there, as the nature of the case might require; it was also to send immediate advice home of what had happened, what measures had been taken in consequence of it, and of what farther measures were intended to be pursued. He mentioned also the institution of a tribunal to take cognizance of such matters, and state how far such a tribunal should be empowered to act without instructions from home. He next said, that the situation of the India princes, in connexion with our government, and of the number of individuals living immediately under our government, were objects that ought to be the subject of an inquiry. The debts due from one Indian prince to another, over whom we had any influence, such as the claims of the Nabob of Arcot upon the Rajah of Tanjore, ought undoubtedly to be settled on a permanent footing: this, and the debts of the natives tributary to us, ought also to be the subjects of inquiry. Another object of investigation, and an object of considerable delicacy, was the pretensions and titles of the landholders to the lands at present in their possession: in the adjustment of this particular, much caution must be adopted, and means found that would answer the end of substantial justice, without going the length of rigid right; because he was convinced, and every man at all conversant with Indian affairs must be convinced, that indiscriminate restitution would be as bad as indiscriminate confiscation. Another very material regulation, or rather principle of reform, from which solid hopes of providing a surplus adequate to the debt in India might be drawn, was, the retrenchments of our establishments in that country. At present it was a well-known fact, that all our establishments there were very considerably overcharged; at any rate, therefore, there must be no augmentation suffered; and in order to prevent the possibility of such an improvident measure, a return of all the establishments must be called for. With regard to the means of reducing them, they ought to be laid before parliament, and submitted to the determination of both Houses. Every intended increase of the establishment ought also to be submitted to parliament, and the Company to be immediately restrained from sending out any more inferior servants. He stated that it would be necessary, by proper provisos, to compel the execution of these points: and the better to guard against the continuance of that rapacity, plunder, and extortion, which was shocking to the feelings of humanity, and disgraceful to the national character, he proposed to render the Company's servants responsible for what they did in every part of India, and to declare it illegal and punishable, if they, on any pretence whatever, accepted sums of money, or other valuables, from the natives. This would, he hoped, tend effectually to check private corruption. There were, he was aware, a certain species of presents, so much a part of the ceremonies inseparable from the manners of the East, that an attempt to direct that they should not be

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received, would be utterly impracticable; but even as much as possible to guard against any bad consequences resulting from the continuance of the practice in question, he meant that the Bill should oblige the Company's servants in India to keep an exact and faithful register of all such presents.

With regard to those of the Company's servants who did not comply with the directions the Bill would hold out to them, and to such other directions as should, under the sanction and authority of the Bill, be transmitted to them from home, such persons should be considered as guilty of offences punishable in the degrees stated in the Bill, which should contain a special exception of those guilty of disobedience of orders and other crimes, which from their consequences being of a most fatal tendency, must be punished with great severity. In respect to this part of his subject, the House, he had no doubt, would go along with him in feeling the necessity, and at the same time the extreme difficulty, of providing a proper tribunal, before which persons charged with offences committed in India should be tried. He owned he had an extreme partiality to the present system of distributing justice in this country; so much so, that he could not bring himself for a moment to think seriously upon the idea of departing from that system, without the utmost reluctance: without mentioning names, however, or referring to recent instances, every man must acknowledge, that at present we had it not in our power to do justice to the delinquents of India, after their return home. The insufficiency of parliamentary prosecutions was but too obvious; the necessity for the institution of some other process was therefore undeniable. A summary way of proceeding was what had struck him, and, he believed, others who had thought much upon the subject, as most advisable: the danger, however, was the example that must arise from any deviation from the established forms of trials in this country, it being perhaps the first, the dearest, and the most essential consideration in the mind of every Englishman, that he held his property and his person in perfect security, from the wise, moderate, and liberal spirit of our laws. Much was to be said with respect to the case in point: either a new process must be instituted, or offences equally shocking to humanity, opposite to justice, and contrary to every principle of religion and morality, must continue to prevail unchecked, uncontrolled, and unrestrained. The necessity of the case outweighed the risk and the hazard of the innovation; and when it was considered that those who might go to India hereafter, would know the danger of transgressing before they left England, he trusted it would be admitted that the expedient ought to be tried. Should such a law pass, every man who should go to India in future, would, by so doing, consent to stand in the particular predicament in which the particular law placed him; and in thus agreeing to give up some of the most essential privileges of his country, he would do no more than a very numerous and honourable body of men did daily, without the smallest impeachment of their characters, or the purity of the motives that impelled their conduct.

Mr. Pitt suggested loosely what his idea of the summary species of trial he meant to authorize was. He said, there must be an exception to the general rules of law; the trials must be held by special commission: the court must not be tied down to strict rules of evidence; but they must be upon their oaths to give judgment conscientiously, and pronounce such judgment as the common law would warrant, if the evidence would reach it. Much, he was aware, would depend on the constitution of the court. His design, therefore, was, that it should be composed of men of known talents, unimpeached character, and high consequence; that their impartiality should be farther secured by their election being by ballot; and that a certain number out of the whole nominated should make a court, in order that there might exist the chance of a choice by ballot. The persons to be balloted for, should be some of them from among the judges, some members of the House of Lords, and some members of that House. Such a mixed assemblage, from the very first characters in the kingdom, would leave no room for suspicion, or possible impeachment of justice; and in order still more strongly to fortify the subject against injustice, they should not be chosen till the hour of trial, and should then be all sworn. To effect the purposes of the institution of such a tribunal, they should be empowered to take depositions, and receive information, communicated by witnesses who were in India when the delinquent was stated to have committed the offences he might stand charged with;

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and farther, they should be judges both of the law and the fact. With regard to the punishments, they should be governed by the punishments the law, as it stood, authorized in case of misdemeanor, viz. fine and imprisonment; but the extent of these should rest in the discretion of the court, to apportion according to their opinion of the proved enormity of the crime: and as a farther means of rendering such a tribunal awful, and of giving effect to its plans for preventing the perpetration of crimes shocking to humanity, it should be armed with the power of examining the parties charged as delinquents, by interrogatories as to the value of their effects, in order the better to be able to govern the quantum of the fine to be levied in case of conviction: it should also be armed with the power of examining the amount of any man's property on his arrival in England from India; and since purity and abstinence were the objects which every man must desire should characterize the conduct of their countrymen in Asia, the Company should not have it in their power to employ any one of their servants convicted of a misdemeanor while he had been in India, nor should any person be suffered to return to that country after his stay in this beyond a certain limited period. Mr. Pitt interspersed his notification of the different principles and regulations which his intended Bill went to establish, with a variety of illustrations and arguments; and concluded with moving, "That leave be given to bring in a Bill for the better regulation and management of the East India Company, and of the possessions in India."

Mr. *Fox* said, that after the many allusions dropped by the right hon. gentleman to the Bill which he had the honour to propose last year, it might naturally be expected that he would make some reply, not merely for the purpose of opposing the plan which had been just opened, but also for that of justifying his own conduct in bringing in the Bill that had passed the House of Commons, and had been rejected by the Lords. He did not mean, however, to enter upon that business, until the Bills, which would be necessary to carry the right hon. gentleman's plan into effect, should have been brought into the House. From the manner in which the system had been opened, he presumed the right hon. gentleman intended to bring in three Bills, one for the government of India, the second for the security of the natives, and the third for the punishment of delinquents: to the two last he had very little objection; but the first differed so much from what he conceived to be the true principle on which the reform of the government of India ought to be founded, that he thought it his duty to give every opposition to it in his power; perhaps the second reading of the Bill would be the most proper time for stating his objections to it: his motive for rising at present, was to ask the right hon. gentleman when he intended to bring in that Bill.

Mr. *Pitt* replied, that the principles on which he intended to build the regulations for the two last objects mentioned by the right hon. gentleman were so simple and plain, that he did not intend to put them in separate Bills, but to comprise the whole in one Bill, which he believed he should be able to present on Friday.

Mr. *Fox* was sorry the whole was to be comprised in one Bill, as he should thus find himself obliged, by objecting to the principle of that Bill on the second reading, to oppose regulations relative to the natives of India, and the punishment of delinquents, to which he had little or no objection.

Leave was given to bring in the Bill.

July 9. The Bill being brought in,

Mr. *Wraxall* said, he did not rise to give any opposition to a Bill, the necessity of which was, he believed, admitted by the whole House. The spirit of which, as it had been opened by the Chancellor of the Exchequer, he approved, and every degree of delay in the introduction of which he had lamented in the strongest manner. He said, that he was, however, far from imputing any part of that delay to the right hon. gentleman at the head of his Majesty's affairs, as under the circumstances in which every new parliament met, and particularly the present, which had been occupied by the Westminster election during the first three weeks, he was persuaded no part of the delay could be attributed to ministry. He declared, that he was happy to see the decision and firmness which characterized the right hon. gentleman in his ministerial capacity visible in the outlines of the Bill, and peculiarly in that first principle of it, the accurately defining, and at the same time augmenting and enlarging, the powers vested in the supreme government of Bengal. He observed, that whoever was conversant in

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the history of India for these last ten years, and even with the transactions of the present moment, must immediately admit the indispensable necessity of increasing the power of the government general, and rendering it supreme over every part of India, in all the great outlines of war, of peace, and of policy. He said, that the sullen acquiescence of the government of Bombay, during the whole progress of the Mahratta war, in the orders of the government general, but still more, the contemptuous and insolent refusal which the repeated and peremptory commands of the supreme council had met with from lord Macartney and the government of Madras, called loudly for some instant and effectual interposition. He hoped his Majesty's ministers meant to apply an effectual remedy to those evils, which could only be done by defining and extending the powers to be granted by the present Bill to the government of Bengal. —He hoped the right hon. gentleman meant likewise to introduce another very essential regulation, though no mention of it appeared in the Bill before the House: he meant the establishment of a regular, expeditious, and certain communication between England and the East Indies. To the disgrace of every administration which had governed this country for many years past, although plans had been repeatedly given in, no effectual steps had been taken to settle any such mode of communication, though nothing could be more easily effected by a wise and active ministry. It was equally incumbent, from motives of humanity, as from sound policy, to establish such a constant conveyance; and he instanced, by the fatal consequences resulting from the delay in transmitting accounts of the late general peace to India, which, though ratified in the beginning of February last year, was not sent out overland for near two months, and by sea for nearly three months. The consequence of this neglect was, that intelligence of this important event was first conveyed to India by private letters, which put a stop to the effusion of blood, at a most critical period of the war, when our very existence on the coast of Coromandel was in the extremest danger.—He said, that he hoped ministry had no intentions of recalling the present governor-general of Bengal, in whose capacity, integrity, and resource, he expressed the highest confidence. He trusted, therefore, that no solicitation or interest, from whatever quarter it might come, or however high the person who might be in contemplation to fill the post, would be able to induce his Majesty's ministers to dismiss a man who had evinced, in all his past conduct, that he was worthy of the arduous situation in which he had presided so many years.

The Bill was read a first time. On the 13th it was read a second time, and committed for the 16th.

July 16. On the order of the day being moved for the House to resolve itself into a committee of the whole House, upon the Bill "for the better regulation and management of the affairs of the East India Company, and of the British possessions in India; and for establishing a court of judicature, for the more speedy and effectual trial of persons accused of offences committed in the East Indies,"

Mr. *Francis* said, that as he had strong objections to offer against the principles upon which the Bill proceeded, he conceived his entering into a discussion of those principles then, would be perfectly consistent with the orders of the House, and therefore he would state to the House the variety of remarks that had suggested themselves to his mind upon the Bill. He began with observing, that duty might survive hope, and that he feared both the House and he were taking unnecessary pains, and endeavouring to make a law of regulation when it was too late, and after the object of the law was lost. Should this unfortunately prove true, a long speech would hereafter appear to have been the more irksome, because ill-timed; though he had little hopes of success from any thing he might say, he would nevertheless do his duty, notwithstanding that he feared he should be under the necessity of making a longer speech than the House might wish to hear; but the importance of the subject, and the magnitude of the objects which the Bill professed to provide for, rendered it impossible for him to comprise his remarks in a very short compass. The Bill consisted of three parts; the first relative to the appointment of a new system of government at home by the institution of a commission, with the effects of which he should not meddle, but speak merely of the facts it was to rest upon; the second part related to regulations of government in India; while the third turned wholly upon the institution of a new judicial tribunal for the purpose of trying East India

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delinquents. The Bill as it stood at present, had no foundation whatever, but was a conclusion without premises. It stated itself to be a remedial Bill, and yet was wholly silent as to the persons who had committed, and the abuses that had been committed in India, which made such a Bill necessary. This appeared to him the more extraordinary, as the right hon. gentleman, when he opened it to the House, had not been at all sparing of the mention of those abuses in the course of his speech, although he now thought proper not to say one word about them in the Bill. He would next observe, that the Bill went on these two principles—the abuse of power abroad, and the want of power at home; to remedy which, it proposed to increase the power abroad, and to reduce the power at home. On the principles of almost every clause in the Bill, the directors ought to be annihilated, whereas they were left in existence, but in a state not greatly to be envied. Poor gentlemen! they were suffered to remain nominally, reduced to mere clerks; the shadow of the direction left, without the substance! The weakness of the directors, and their inefficacy and want of power to enforce obedience to their own orders, had been admitted on all hands; to remedy this weakness, a clashing power was created, and that of two descriptions; one a nominal power, the other a real one. While it declared that the directors were too feeble to enforce their own orders, they were made the channel of the orders of a higher power, and must degrade them. This he reprobated as extremely injudicious and unwise, declaring that mere forms were of no use, and that they ought not to subsist when a constitution was essentially altered.

Having made these general remarks, he proceeded to observe upon the particular clauses of the Bill; and first, that there was no preamble; the Bill being a conclusion without premises, a remedy without disorder, and a punishment without a crime. From what the right hon. gentleman had stated in his speech, he did imagine that the preamble would have been full, and that it would have specified the abuses the Bill was intended to cure. He next called the attention of the House to clause 3, in which they would find, that the new commission, consisting of privy counsellors, were not only "invested with the superintendence and control over all the British territorial possessions in the East Indies, but over the affairs of the united company of merchants trading thereto." By these words they had the commerce and concerns of the Company, as well as its revenue and its political interests, put completely under their superintendence and control. He was aware that there was a provision in the subsequent part of the Bill, which did in some measure except the commercial concerns of the Company from being subject to the superintendence and control of the new commission, but not in his mind sufficiently to remove the objection to which the wording of the 3d clause was liable. Clauses marked 8, 9, 10, obliged the directors to pay implicit obedience to the commissioners, and the next clause empowered the commissioners either to approve or disapprove of the dispatches of the directors. The next to that gave them a power to transmit to the directors any orders or instructions to the governments and presidencies in India, which orders the directors are obliged to send over to India; and the clause immediately following provides an appeal to his Majesty in council, whenever a dispute should arise between the directors and the commissioners, as to what is, and what is not a question of commerce. This appeal was from the minister to the minister, because the minister naturally was one of the privy council, and the member by whose advice his Majesty would chiefly be guided. The next clause contained the power given to the new commission to send orders to the commanders in chief in India separately and independent of the civil government. The commanders in chief, he said, were appointed by the crown: the consequences of such a power being suffered to be given, were so obviously alarming, that he could not but conceive there was some mistake or other in the clause. The wording also of the 17th clause, which declared the commander in chief of Fort William was to succeed Mr. Hastings, in case of death, removal, or resignation, must in like manner be founded in mistake, because no such officer had usually a seat or a voice in council. With regard to the clause enacting, that the court of directors should, within a time to be limited, send out a fit and proper person to be governor of Fort St. George, he desired to know, if lord Macartney was to be recalled? The moment he heard that lord Macartney had quarrelled with Mr. Hastings, he said, he was persuaded he was a

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good officer, and was doing his duty. He stated what led him to form this opinion. Clause 30, he said, he perfectly concurred in; it was certainly right to enact that the acts of the directors should not be revoked by the general court of proprietors; but then at the same time it was not very consistent with some principles which the right hon. gentleman had formerly laid down about the sacredness of chartered rights. Clause 32 also he approved, thinking it perfectly right that the other presidencies should be dependent on Fort William in all cases whatsoever. The clause reprobating schemes of conquest and extension, as measures repugnant to the wish, the honour, and policy of the nation, he approved highly; but like every other good clause in the Bill, it was clogged with an exception which defeated the rule it laid down. He wished to see a proposition so full of truth and wisdom, not only acknowledged, but enforced. In this most essential view, continued Mr. Francis, the plan of the Bill is most essentially defective. It alludes to facts and offences which are not stated, and to criminals whom, so far from attempting to punish, it does not even venture to describe. If such facts and criminals do not exist, the whole Bill is a superfluity, built upon a falsehood. It supposes imaginary disorders, for the imaginary merit of correcting them.—But if they really existed, it would be in vain to expect that they would be checked or prevented by the empty threats of a legislature, that contented itself with piling up laws upon laws, and regulations on regulations—of a legislature that never had hitherto been obeyed, yet always looked forward to future obedience. Reward and punishment were the right and left hand of government. It was the office of the head to frame and denounce the law, but it was the hand that must enforce it. In another point of view, the Bill was unjust as well as impotent. It made no distinction between those persons who had uniformly acted on the principles you approve, and others who had uniformly acted on the principles you condemn. In not stating any to be innocent, it supposed all to be guilty. He said he would now do what the mover of the Bill had not courage to do, he would attach responsibility to power; and affirmed that, at the end of the year 1777, the whole political power of the British empire in India, nominally vested in the governor-general and council, was really and substantially vested in Mr. Hastings. If Mr. Hastings, supported by one member of the supreme council against the other two, was not exclusively responsible for the war which was undertaken at that period for the avowed purpose of conquest and extension of dominion, which carried desolation with it wherever it extended, and which had ended in the ruin of the East India Company; it was fit that parliament and the nation should know, nay, it was the duty of parliament to inquire, who was the author of the war, and who was to be answerable for it. Facts, it would be said, might be very differently represented, and variously accounted for, especially at so great a distance as from India to England. He well knew the facility with which facts at such a distance might be stated to advantage. But principles formally declared, and deliberately avowed, were not to be disguised or retracted. They stood for public judgment, and they demanded it. If the House had any doubt about the fact, let them look to the acknowledged principles of the person to whom the fact was imputed. Did Mr. Hastings himself deny, that conquest and extent of dominion were his object in the pursuit of the Mahratta war? No, he avowed it. Let him answer for himself—he would not run the risk of doing him an injustice: "If the British arms and influence have suffered a severe check in the western world, it is the more incumbent on those who are charged with the interests of Great Britain in the East, to exert themselves for the retrieval of the national loss; that we have the means in our power, and that, with such superior advantages as we possess over every power which can oppose us, we should not act merely on the defensive." [Consultation, 22d June, 1778.] In these explicit words you have all the policy and all the justice of the Mahratta war. If we have suffered losses in the West, let us repair them in the East; wherever we are powerful, it is our business to attack. Surely if no other evidence existed, it would not be very unreasonable to presume, that Mr. Hastings's measures had been formed on the principles he professed.

He was ready to admit, that the clause in question did all that could be done, by mere legislative prohibition, to put a stop to such measures in future: yet he very much feared that the general rule would be defeated by the exception that attended

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it. The governor-general and council were not to make war, or to commence hostilities against any of the country powers, unless such powers should actually be making preparations for the commencement of hostilities against us or our allies. He begged leave to assure the House, that whenever the governor-general and council were disposed to make war upon their neighbours, they could at all times fabricate a case to suit their purpose, and send home a mass of incontrovertible evidence to support it. The exception in the next clause, by which a similar latitude was given to Fort St. George and Bombay, was not so dangerous, because those presidencies were nearer to a power that might control them. They could not make war, if the governor-general and council were seriously determined against it. But again, he said, one example was worth an hundred laws. He was not very conversant with the affairs of the coast of Coromandel, and therefore should offer but a single observation on the several clauses that related to the liquidation of the debts due to British subjects from the nabob of Arcot, the rajah of Tanjore, and any other of the native protected princes in India. The labour of inquiring into and liquidating those debts, which the Bill imposed on the governor-general and council in addition to their own immediate duties, would be very heavy, and, he believed, equally useless. They might adjust the accounts, but he had no conception how the debts were to be paid out of an exhausted revenue, and a ruined country: he believed it to be impossible, unless a preference was to be given to the private debts before those of the Company, which he presumed was not intended. The final settlement of the present indeterminate rights and possessions of the nabob of Arcot and the rajah of Tanjore, with respect to each other, was a just, a necessary, and an attainable object. The principles on which the settlement was to be made, appeared to him to be the best that could be adopted. But he most strongly protested against the idea of leaving the execution of the measure to the governor-general and council. The power which predominated in that government was notoriously partial to the nabob of Arcot, and hostile to the rajah of Tanjore. The tribunal to which the parties were referred, was prejudiced in favour of the stronger of the two, and, if its intentions were ever so upright, should not be trusted with the power of judging between them. Neither was it necessary. There was no question of right between the contending parties, which might not be decided as properly and as effectually in England as it could be in Bengal. The court of directors had all the materials before them. They might determine the points in dispute, and send their orders directly to the president and council of Fort St. George to carry their decision into effect. If they could do it, they ought to do it.

On a similar principle of reason and justice he objected to the mode adopted in the next clause, for the professed purpose of reinstating certain rajahs, zemindars, polygars, and other landholders, who had been dispossessed of their lands. The claims of the parties were to be referred to the respective presidencies, who were to inquire into, and determine upon them; that is, if injustice had been done, the persons who had done it, were to repair it at their discretion. Was there any colour of propriety, was there any prudence in such a delegation of power? Could any one think it would be effectual? For example: was it to be believed that any orders from the court of directors, or even from the highest power in this country, could engage Mr. Hastings to listen to the claims of the rajah of Benares? Could he be reasonably deemed an impartial judge of such claims? He had told the directors (20th March, 1783), that "if they should proceed to order the restoration of rajah Cheyt Sing, and if the council should resolve to execute the order, he would instantly give up his station and the service." He supposed it would be a question in the council, whether the order of the directors should be executed or not; and he fairly apprized them of his own resolution to oppose it. For his own part, he was persuaded that he would hazard his life rather than submit to carry the order into execution himself. Yet, if ever there was a case that called upon the national honour and humanity for justice and protection, assuredly it was that of the rajah of Benares.

The next clause was material indeed. The well-being, if not the existence, of the natives of all our eastern dominions depended on a firm establishment of that principle of taxation which appeared to be the object of the clause. Ever since he had known any thing of the subject, or had had an opportunity of offering an opi-

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nion about it, it had been the labour and effort of his life to inculcate and establish the truth of this proposition—that the tribute, rent, service, or payment to be paid by the several landholders, of whatever denomination, should be fixed and unalterable. The professed object of this clause was the real object and result of every conclusion that his understanding was capable of deducing from experience and reflection. The means taken to accomplish it were the very worst that could be thought of. After twenty years possession of the Dewanny, after twenty years collection of the revenues, the fixation of the rents was still to be a question for future investigation. Good God! were these inquisitions into the property of our Indian subjects—were these scrutinies into the value of their estates, never to have an end? Were the natives of India never to have a quietus under an English government? In 1784 we order the governments abroad to devise such methods as should to them seem most fitting and convenient to establish a fixed and unalterable tribute! The language held by the directors, seven years ago, on a similar occasion, was wiser and more humane than ours, and ought to be a lesson to us. In July 1777, speaking of a new mode of inquisition proposed and established by Mr. Hastings, they said, "In the present state of the business, our surprise and concern were great, on finding by our governor-general's minute of the 1st of November 1776, that, after more than seven years investigation, information is still so incomplete as to render another innovation, still more extraordinary than any of the former, absolutely necessary to the formation of a new settlement." But the present course, it seems, was taken in order to prevent any corrupt or oppressive practices. The court of directors, he said, were in possession of annual accounts of the revenues of Bengal since 1766. They had an account before them of the demand, receipt, and balance of every respective year. In short, they possessed every possible light and information on the subject which the government of Bengal ought to look for, or would be able to obtain. They might take the collections of any one year for a standard, or, what was much better, they might take an average of the collections of several years, and determine at once and for ever, what all the principal districts should invariably pay. Perhaps it might be necessary, though he did not think it would, to leave some parts of the minuter distribution to the power upon the spot. The less was left to it the better. The only danger of the mode he proposed, or of any fixation that could be proposed, was this—that, take what period or what average we would, considering the daily and rapid decline of the country, the amount of revenue so taken would prove too much. The state of the country and of the people called as loudly for abatement, as the necessities of the Company called for increase of revenue. This was the true way to prevent corrupt or oppressive practices. If we referred it to the servants abroad to devise the methods, and then to transmit their proceedings and determinations to the court of directors for their final orders and directions; in the first place, the delay of itself would be a new, or rather a continued act of oppression to the natives: but what was much worse, our measures were opposed to our experience—we unnecessarily give powers, which we know, or ought to know, have been constantly abused. One example, if there were no other, ought to deter us from replacing a similar trust in similar hands. He had a right to assert, though not from his own knowledge, that the five years settlement of the revenues of Bengal made in 1772, was sold by the committee of circuit. The fact was notorious in India; but it was on the authority of the court of directors that he affirmed it to be true. In their letter of the 4th of March 1778, they ordered the governor-general and council forthwith to commence a prosecution in the supreme court of judicature against the persons who composed the committee of circuit, or their representatives.

He did not doubt that the subsequent clause, for securing the pensions allotted to some of the zemindars in lieu of their lands, was drawn up with a benevolent intention; but he believed the fact it referred to was misunderstood. The first and leading effort of national justice should be to reinstate the proprietors, of every denomination, in the possession of their property. The very measure that forced these pensions on the zemindars was an act of the most despotic oppression. The rents demanded of them for this very purpose were so high, that, rather than be answerable for sums which they knew their lands could not afford, they accepted of pensions, and surrendered the possession and management of their estates to

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strangers, to farmers, to adventurers, to the banyans of the president and council of Fort William. Is it otherwise to be believed, that any man in his senses would give up his landed estate for a pension, to be held at the pleasure of an arbitrary government? Do justice to these people, and there will be no foundation for this clause.

It was proper and necessary that the court of directors should be restrained from sending any new servant, civil or military, to India, until the establishments were fixed; and when they were fixed, it was equally proper that the directors should be restrained from sending out writers, cadets or others, beyond the number necessary to fill up vacancies as they happened. The service, he declared, was overloaded with useless servants; they were a burthen to the government, and they constituted a tax of the worst sort upon the country.—There did not seem to be occasion for a law to confirm an existing rule of the Company's service. It was, and always had been established, that promotions should be made according to seniority. The latitude given in the exception was perfectly unnecessary, as well as incorrectly worded. The governments abroad were ready enough to find urgent occasion to deviate from the general rule. The vote in council was the very act of deviation, not the medium through which they saw cause for it.

He meant to consider the 67th and 89th clauses together. By the former, no person beyond a certain age was to be sent to India as a cadet or writer; but no reason for the limitation was assigned. By the latter, no person whatsoever, who should have been employed in any capacity whatsoever in the East Indies, should be capable of being appointed to any station or office in India, after he having returned to this kingdom, should have resided at home a certain time, unless it could be proved that such residence was necessary for his health; so that the worst man in the service was capable of being reinstated, provided he resigned on account of his health; whereas an able and meritorious servant who might have been obliged to come to England, and to reside there longer than the limited period, for the most urgent and justifiable reasons, though not for ill health, was utterly prohibited from returning to a service to which he might have devoted his life, and for which he might have relinquished all other prospects and pursuits. He saw no reason for the distinction. There was no positive merit in sickness, though it had a natural claim to indulgence. One would think that the executive power of the Company, if the court of directors were equal to any of their duties, might safely be trusted with such details as these. It was not an object that apparently required the interposition of the legislature: but if it did, the proper and useful regulation would be not absolutely to prohibit absentees from returning to the service, but to prevent their gaining rank in their absence over those who continued to do their duty on the spot. Whoever stayed in England beyond the limit of a reasonable leave of absence, should return precisely to the rank he held when he left India. Taking the operation of the two clauses together, the result seemed to be, that in the first instance, no man who should have acquired knowledge or experience in England should be permitted to go to India; and that no man who might have acquired knowledge and experience in India should be permitted to return, unless his faculties had been sufficiently impaired by his infirmities to qualify him for resuming the duties of his station. The favourite idea seemed to be, that youth and inexperience should govern Bengal. An old maxim of policy attached experience to years, and wisdom to experience; and though he knew there was a brilliant exception to this maxim, he wished it to be left where it stood, a brilliant exception to a general principle, and not that the exception should be converted into a rule.

Nothing can be objected to the principle and purpose of that clause, which makes all offences committed by British subjects in every other part of India, or under pretence of the order of any native protected prince, amenable to the same laws, and liable to the same penalties, as if they had been committed within the territories directly subject to the British government. At the same time, there would be a legal difficulty in the proceeding, which gentlemen of the profession would do well to consider. The process of our courts of justice does not run beyond the limits of our own provinces; so that, although the party accused may be in your power, the witnesses necessary to convict or acquit him cannot be compelled to appear. If this difficulty be not provided for, there can be no trial of the offences in question.

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On the subject of presents, his opinion, perhaps, might be thought particular. Forms and appearances, he knew, were against it. Undoubtedly the governor-general and council, the judges, and any others who have great established salaries, should derive no other advantage from their station. With respect to them, the prohibition of presents was proper; but it ought to be complete. He could assure the House, that the exception in favour of presents of ceremony on solemn occasions, was founded on ideas which he knew to be fallacious. The acceptance of ceremonial presents was no way necessary for supporting the dignity of men in power, nor had the refusal of them ever given offence. General Clavering, col. Monson, and himself, constantly refused them. They told the natives, it was against the law of England, the very law by which they were appointed, and they were satisfied. Mr. Hastings declared, that he should continue to receive nuzzers, and carry them to the Company's account. Our other hon. colleague, who was now a member of the House, entirely approved of the hon. president's conduct in the receipt of complimentary nuzzers: but he did not equally approve of accounting for them to the Company. His words were; "I might here make a tender to the public of the trivial nuzzers, to the acceptance of which my station has impelled me. But what is proper for the governor-general, would in me, I apprehend, appear rather in the light of a consequential, insignificant display of rigidness in excess." In Mr. Hastings's letters they had seen some splendid examples of the sublime. The hon. gentleman, whose words he had just repeated, succeeded better in the profound. It was his forte. Those trivial presents accumulated very fast. If he had laid himself out for the receipt of them, he had no doubt, that while he was in Bengal he might have realized 8 or 9,000*l.* from this petty source of profit. To men in high stations, the prohibition should be absolute. In all stations, it should be highly penal to receive money for corrupt purposes, or to extort it. In the ordinary transaction of business, he was inclined to think that presents were not dangerous, and he knew that they were useful. The government of Bengal, through all its gradations, was a government of favour, not of justice. Nothing would ever be done for the natives, if they did not gratify the persons who forwarded their affairs. Whenever there should be a government of strict justice in Bengal, and whenever provision should be made for the various offices under it, proportioned to their respective rank and power, presents might be totally abolished. Till then, they neither can nor ought to do it—till then, the oaths prescribed to the collectors of the revenue would bind none but men of honour. Men of a different character would either totally disregard the prohibition, or satisfy their scruples, if they had any, by accommodating the exception to all cases, or all cases to the exception. For the purpose of receiving presents of ceremony, all occasions would be found sufficiently solemn. By the 69th clause, the whole gift or present was to be forfeited to the King: by the 70th, the court of justice might order the gift to be restored to the party who gave it. Could the same present, supposing it were a diamond, be forfeited to the crown and restored to the owner; or was it meant that the offender should forfeit double the value in every instance? The two clauses seemed to him to contradict one another. The 71st made an exception in favour of counsellors at law, physicians, surgeons, or chaplains; but it took no notice of attornies, who were much more in the receipt of fees than any of the others.

With respect to the wilfully disobeying, or the wilfully omitting to execute the Company's orders, if there were no material instances of the disobedience alluded to, the law that proposed to punish it hereafter was superfluous and unjust. The legislature interposed before it was called upon:—it supposed offences which were not stated, and, by supposing them to exist generally, it confounded the innocent with the guilty. If they did exist to a degree that warranted and demanded the interposition of the legislature, they ought to be punished as well as forbidden; at least the offenders ought to be removed from their places. When the laws prohibited on one side, and perfect impunity encouraged on the other, was it reasonable to expect that the prohibition should be regarded? The minds of men would be determined by what we do, not by what we say; and the more we threaten, the more we shall be despised.

The two next clauses gave a most exorbitant and formidable power to the governor-general and council, and to the subordinate presidencies; even to Ben-

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coolen! All persons suspected of carrying on any illicit commerce or correspondence with any body, might be seized, imprisoned, and detained in custody by the governor's warrant, until the governor and council should think fit to bring them to trial, or send them to England. No fact was stated, or even alluded to, that might require the delegation of so dangerous a trust. He declared, that while he was in India, there never was an instance fit to be named as the foundation of such a law as this; nor had he heard of any since. Correspondence with the enemies of the state was high treason; and treason might be punished without a new law. But what was meant by illicit commerce? What transaction was there in life which an arbitrary government might not interpret into an illicit commerce? Was it meant to deny the parties the benefit of the Habeas Corpus, or to leave to the discretion of the governor and council at what time the party should be tried, or to their option whether he should be tried on the spot, or sent a prisoner to England? He knew perfectly well what was meant. The liberty of every individual in India was to be held at the mercy of the governor-general. The clause had no real object, but to increase his personal power, and to make it irresistible.

He had now gone through the second division of the Bill. Before he proceeded to the third, he had an appeal to make to the honour and to the justice of the House. It was of a nature so personal, that it would probably excite their curiosity; but it was also connected with the public service. It had a natural and a necessary relation to the general object of the present Bill, and therefore deserved their attention. It concerned the service of the public in future, that the character of men, who had faithfully and honourably discharged the duties of a high station, should be protected from reproach. The insults offered to the memory of such men, contributed to deter others from following their example, were injurious to the community, and ought to be resented with universal indignation. It was not of himself he spoke;—that spirit of presumption did not belong to him. He was proud of the fortune that connected his name and united his labours with those of Clavering and Monson, and it was all the distinction he pretended to. When he sought to obtain a seat in the House of Commons, it was not merely for the honour of sitting there, nor for any delight he took in the debates. With respect to India affairs, his first view was, not to serve England or the India Company, but the natives of India, if he could. To them he was bound by every obligation of justice, gratitude, and compassion. From them he received the salary, which gave him a fortune. But, even if the service of England had been his only object, this is the course he should have taken to pursue it. "I will not," said Mr. Francis, "appeal to your virtues, or suppose that you have any. If you have common sense, if, as interested men, you understand your own interest, you will treat the creatures subject to your power with lenity and justice. If wealth be your object, you will protect the industry, you will nurse and cherish the estate, by which you expect to be enriched."

His second reason for obtaining a seat in parliament was to have an opportunity of explaining his own conduct, if it should be questioned, or defending it, if it should be attacked. The last, and not the least urgent reason was, that he might be ready to defend the character of his colleagues, not against specific charges, which he was sure would never be produced, but against the language of calumny, which endeavoured to asperse, without daring to accuse. It was well known that a gross and public insult had been offered to the memory of general Clavering and colonel Monson, by a person of high rank in this country. He was happy when he heard that his name was included in it with theirs. So highly did he respect the character of those men, that he deemed it an honour to share in the injustice it had suffered. It was in compliance with the forms of the House, and not to shelter himself, or out of tenderness to the party, that he forbore to name him. He meant to describe him so exactly, that he could not be mistaken. He declared in his place in a great assembly, and in the course of a grave deliberation, "that it would have been happy for this country if general Clavering, colonel Monson, and Mr. Francis, had been drowned in their passage to India." If this poor and spiteful invective had been uttered by a man of no consequence or repute, by any light, trifling, inconsiderate person, by a lord of the bedchamber, for example, or any of the other silken barons of modern days, he should have heard it with indifference. But when it was seriously urged

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and deliberately insisted on by a grave lord of parliament—by a judge—by a man of ability and eminence in his profession, whose personal disposition was serious, who carried gravity to sternness, and sternness to ferocity, it could not be received with indifference, or answered without resentment. Such a man would be thought to have inquired before he pronounced. From his mouth, a reproach was a sentence, an invective was a judgment. The accidents of life, and not any original distinction that he knew of, had placed him too high, and himself at too great a distance from him, to admit of any other answer than a public defiance, for general Clavering, for colonel Monson, and for himself. This was not a party question, nor should it be left to so feeble an advocate as he was to support it. The friends and fellow soldiers of general Clavering and colonel Monson would assist him in defending their memory. He demanded and expected the support of every man of honour in that House, and in the kingdom. What character was safe, if slander was permitted to attack the reputation of two of the most honourable and virtuous men that ever were employed, or ever perished in the service of their country? He knew that the authority of this man was not without weight; but he had an infinitely higher authority to oppose to it. He had the happiness of hearing the merits of general Clavering and colonel Monson acknowledged and applauded in terms to which he was not at liberty to do more than to allude: they were rapid and expressive. He must not venture to repeat, lest he should do them injustice, or violate the forms of respect, where essentially he owed and felt the most. But he was sufficiently understood. The generous sensations that animate the royal mind, were easily distinguished from those which rankled in the heart of that person who was supposed to be the keeper of the royal conscience.

The third division of the Bill included the institution of a new court of judicature, avowedly repugnant to the principles of the criminal jurisprudence of this country, and of which there was no example but the star-chamber, in the history of England. His surprise and disappointment, when he heard this part of the Bill recommended and insisted on by the Chancellor of the Exchequer, were not to be expressed. Yet he might have been in some degree prepared for the event. This was not the first instance in which he had observed that the right hon. gentleman was never more urgent, was never more eloquent in establishing the truth of a general proposition, or in exalting the virtues of a general principle, than at the moment he was going to introduce an exception to it. No man who heard him could have forgotten, how earnestly and vehemently he recommended it to the House not to let their anxiety for the better government of India, however laudable, engage them to do any thing inconsistent with the security of their own domestic establishment, or that might directly or indirectly intrench on their own constitution. From this general caution he proceeded to a warm and animated panegyric of the trial by jury. He declared most solemnly that he thought he was going to new model the supreme court of judicature at Calcutta, and to restore the British subjects in India to their birthright, of which they were deprived by the charter of that court, for no good purpose that he could discover, but certainly without any good effect. When the right hon. gentleman had thus established his premises by an appeal to constitutional topics, which always gain upon an English audience, he turned short to a conclusion, which, Mr. Francis imagined must have disappointed and astonished every man who was not immediately in the secret—"That the best general rules were subject to exceptions, that necessity created a law of its own, and that such a necessity existed at present: that the punishment of Indian delinquents could not be obtained by proceedings in parliament, nor by prosecution in the courts of common law; of course there was no alternative but to create a special judicature, with summary proceedings, and without the intervention of a jury, for the trial of offences committed in India.

In the first place, he denied the supposition on which the inference was founded. He had no doubt that delinquency of every kind might be effectually tried and punished by the judicatures that exist. But if he thought otherwise, if he were perfectly convinced that Indian delinquents could no way be punished but by a violent innovation in the criminal law of the kingdom, he would not purchase their punishment at so ruinous an expense. He would not, for the sake of that object,

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though he thought it important, consent to a breach of any kind in the principal barrier of the freedom of England. When the precedent was established, he knew not what farther innovations might be gradually grafted upon it, or how rapidly it might advance to the destruction of those principles which it began with invading. We were not yet, however, reduced to that consideration. Let us, he said, try whether, in effect, the right hon. gentleman is warranted in affirming that there is no alternative. If there was, the principles we both profess obliged him to prefer it. He was but little of a lawyer, and was very desirous to be instructed. If he should be mistaken in his facts, some of the learned gentlemen opposite to him would have the goodness to correct him.

Supposing it to be admitted, that taking the law as it now stood, the formality of pleading, and the difficulty of ascertaining, according to the strict rules of evidence, facts which have arisen beyond the sea, were such as would create a failure of justice, it did not follow that it was at all necessary to deprive persons accused of offences in India of trial by jury. The court of King's-bench had already the power of trying misdemeanors committed in India, under the 13th Geo. 3, c. 63, with the assistance of a jury. If the forms of pleading and the rules of evidence stood in the way of justice, let the law be altered: with respect to special pleading and evidence, let the King's-bench be governed by the same rules that are laid down to govern the practice of this new court; and then it would be as competent as this can be, to take cognizance of, and punish offences committed in India; and still the party accused would, in every instance, have the privilege of being tried by his peers. When the Act of 1774 was made, it was thought necessary to alter the law with regard to evidence: and it was accordingly enacted, that depositions taken under a commission in India, should be admitted as evidence in the King's-bench; but trial by jury still remained. The legislature did nothing to affect that mode of trial. Before that Act, a misdemeanor committed in India could not have been tried upon an information in the King's-bench; so that here was a new jurisdiction given to that court; its jurisdiction was at least extended to offences in India, which were before not cognizable in that court, either by information or indictment. At common law, treasons committed out of the realm were not punishable in England. To remedy this defect, various Acts were made in the reign of Henry 8: but even in the arbitrary reign of that monarch, no attempt was made to deprive the subject of trial by jury. At common law, murders committed in foreign parts could not be inquired into in England; but by the 33d Hen. 8, c. 23, they might be inquired of, and tried by the king's special commission in England. By that Act a new tribunal was erected; but still no attempt was made to abolish trial by jury. Even in that commission-court, the party had the privilege of being tried by his peers. If it were true, that a new species of criminality made a new course of proceeding unavoidable, the ground of the distinction must be fairly and clearly established. The answer, he expected, must not be technical, but plain enough to satisfy the understanding of men who were not learned. When the common interest was at stake, the common sense of the nation should be consulted.

He should say a word or two more on the general situation of the country, and have done. We have it from the authority of a noble lord (Delaval) or rather of a noble convert, whose opinions very properly bend to his experience, that, at a former period, he had opposed the present administration, because he disapproved of the courses by which they had possessed themselves of power; that the case was now completely altered; that the sense of the nation had been unanimously declared, and that the united voice of the nation could not be resisted; that the minister had now come into power, at the front door of the House, and on the shoulders of the people. He did not mean to dispute the truth of these propositions, much less the propriety of any change of opinion that might be founded upon them. Take the fact as it was stated, and compare it with the consequences which it had immediately produced. Wherever sensation existed, the comparison would be felt; and if men were still capable of reflection, it would force them to reflect. The very first act of this popular administration, of a minister who came into power on the shoulders of the people, attacked the democracy of the country, and annihilated the first of all the popular powers of the constitution. The decision of the question upon the Westminster election, however it might be turned, or in

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whatever colours it might be dressed, carried you finally and inevitably to this conclusion; that the people of Great Britain might be governed by laws to which they had not consented, and might be taxed by a House of Commons in which they were not represented. If this was the fact of Westminster to-day, why not of London to-morrow,—of Middlesex the next? On the face of the precedent he saw nothing to confine it. The second measure of this popular administration, he insisted, attacked the trial by jury, and threatened to abolish it. Such were the instant operations of that very power which pretended to be derived from the confidence of the people. But if the people of England were not mad as well as blind, if they had not lost their understanding as well as their feelings, they would see how unwisely they had bestowed their confidence, and repent of their delusion, when repentance was too late.

Mr. *Pitt* said, he always listened to the hon. gentleman with great attention, whenever he rose to speak upon Indian topics, because undoubtedly he had it in his power to communicate a considerable degree of local information to the House. On the present occasion, he believed, he should stand without excuse, if he much longer prevented the Speaker's leaving the chair, by attempting to follow the hon. gentleman through the extensive field that he had gone over, since the House, he doubted not, would join with him in opinion, that almost every thing that had dropped from the hon. gentleman was an additional argument why the Bill should go immediately to a committee. With regard to the preamble not being more stuffed with a recital of abuses, he really saw no reason for the preamble to comprise a history of all the abuses that had prevailed in India for these twenty years past, any more than a catalogue of the names of those persons who had committed the largest share of the abuses alluded to. The Bill was not a bill of a retrospective nature, but a bill framed with the desire of providing a better system of government in India, and of the Company's affairs for the time to come: and the aim of it had been to attain that end by two means; by the power of recal, lodged in a board of control and superintendence, and by the institution of a tribunal for the trial and punishment of future delinquents in India after their return to England. Who had most merited censure and punishment for their conduct in India hitherto, and what the nature of that conduct had been, were considerations totally distinct from the principle and purview of the present Bill, and might hereafter come under discussion. Some of the hon. gentleman's objections to the Bill appeared to arise wholly from his not having properly understood the nature and meaning of the particular clauses to which they had been applied: others were objections, which would no longer exist, after the amendments were proposed that it was his intention to propose; and in answer to such of them as complained of clauses being so worded as to require to be translated into sense he could only say, that those individual clauses had been copied from a bill that had been brought into the last parliament by a right hon. gentleman opposite to him, and had gone through a stage or two exactly as they were, and without any person's finding out, as the hon. gentleman had done, that they stood in need of translation. A few of the hon. gentleman's objections had arisen from his having thought proper to forget that they had already been answered on a former day; a great part of his speech, that which went upon what had been stated to have been said by a noble and learned lord in another place, in the last session of the last parliament (and which he would take upon him to assert, was not a correct account of what the noble and learned lord had then said) though it arose from sentiments which might very naturally be supposed to have been excited in the breast of the hon. gentleman, would not, he believed, be thought by the House in general to have any very near relation to the immediate subject then before them. He would not, however, any longer delay the House from going into a committee, but would reserve what he might have to say upon the Bill till after it had been amended, assuring gentlemen that he had not the presumption to suppose that a bill comprehending so many important objects stood any chance of coming out of a committee in nearly the same state in which it might go into it. He concluded with moving, "That the Speaker leave the chair."

Mr. *Fox* began with saying, that he rose in the present stage to object to the Speaker's leaving the chair, because he found himself under the necessity of objecting to the Bill *toto cælo*—in all its parts and in its fundamental principles. He had flattered himself that the right

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hon. gentleman's second and third propositions, namely, those relating to the regulations and the new judicature to be appointed for India, would be so far conformable to the opinions which he held on the subject, that he would have been able to have gone into the committee, and for this reason he had forborne to say any thing on the second reading of the Bill; but now that the Bill was printed, and that he was able to examine the two latter parts as well as the first, he must freely and explicitly declare that he objected to the whole. He thought the principles of the Bill the reverse of what they ought to be with regard to the regulations as well as the government; and he could never consent to the institution of the sort of tribunal stated in the Bill, without giving up every principle on which he had been taught to approve of the criminal judicature of England.

As he objected, therefore, to the principle of the Bill, the present was the stage in which he must deliver his opinions. He begged the House at the same time not to be deceived by the distinctions which it was now the incessant practice to make between the principles and the objects of a Bill. It was lately become the practice to confound the one with the other. It was often said to them, "What! would you refuse to go into the committee on a Bill which has for its principle to reform the abuses of India? Would you object to a Bill which is to restore the zemindars to their possessions, and which is to punish delinquents?" They thus artfully confounded the matter; for these were not the principles, but the objects of the Bill. The principles were very different; and to the principles, that was, to the foundations of the Bill, the House were ever to look; and when these were not good, they were not justifiable in going to a committee merely because the end was desirable. No man upon earth acknowledged with more readiness than he did the necessity of the object of the present Bill; no man would go greater lengths to accomplish it; but he could not accept of the principles of this Bill as the means, much less could he believe that those means if accepted would be effectual.

With regard to the first part of the Bill, namely, the settlement of the government of India, he must observe, that during the discussions on the Bill which he had the honour to propose to the last parliament, it was asserted that he had violated the chartered rights of the Company, and that chartered rights were of so sacred a nature that nothing but extreme necessity could justify their violation. The Chancellor of the Exchequer had made the confession, that necessities might arise to justify the rescinding of a charter; and it was well he did so; for if ever a charter was completely and totally annulled, it was the charter of the East India Company by the present Bill. He by no means brought this as a charge against the right hon. gentleman: it was his opinion that the charter of the Company ought to be annulled. It had always been his opinion, that no charter ought to exist pernicious to the community whom it affected, and that the rights of a few ought not to stand in competition with the well-being and happiness of the whole. This had always been his opinion, and the Chancellor of the Exchequer had come over to it. He had abandoned his former opinion on this subject. He by no means brought this against him as a charge; on the contrary, he wished to God he had abandoned all his other opinions, and all the principles on which he came into office—he should like him and his ministry the better.

When the right hon. gentleman brought in his former Bill, he said that his entrenchment on the charter of the Company was not a violation, because he had the consent of the Company. On the present occasion however the House had heard of no consent. The consent indeed which the right hon. gentleman then stood upon was a fallacy; because in a community like the East India Company, the consent of every individual proprietor was necessary to a surrender, and could only make it legal; for where every individual proprietor of stock was concerned and involved, it was a fallacy to say that a resolution of the general court hastily convened, poorly attended, or even consisting of a majority, could make a surrender of the properties of those who were absent. Then it was a delusion; but here this circumstance was wanting: there was no consent even hinted at, and in reality none had been given. He begged that they might hear no more of his Bill having violated chartered rights, and that therefore it was not to be borne: the present Bill was guilty, if it was guilt, of equal violation; and it had this peculiar quality, that it violated the charters of the Company without promising to amend the general interests of the empire.

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The right hon. gentleman had abandoned his ground with respect to commissioners. He had adopted the notion contained in his Bill, of vesting the powers in the hands of commissioners; and he must again repeat, that he wished to God he had abandoned all his other principles. He wished he had abandoned the principles on which he came into power—principles which were neither honourable to himself nor safe for his country. The right hon. gentleman, continued Mr. Fox, has taken notice of what my hon. friend, (Mr. Francis) has said, respecting the preamble of the Bill. In my mind, the observation of my hon. friend is perfectly just; but the omission of the abuses by the framers of the Bill has been very artful. If they had stated the grievances of the East Indies, they would have exposed the weakness of the Bill; for they would have shewn, that not one of its provisions was calculated to redress the grievances which the preamble would have stated to exist. This is my idea, and I trust I shall be able to shew the House, that it is a Bill calculated to increase every principle that has given rise to the calamities of India: that instead of reforming, it is calculated to perpetuate the abuses which exist, and to put the conclusive seal to the miserable system of that country.

What, Sir, are the principles of the calamities in India? Are they, that worse men have been sent to India in the government of our affairs, than those who go elsewhere, or who stay at home? No: the men are not worse, but the temptations to delinquency have been greater, and the greater distance from the seat of government has given impunity to abuse. If this is the source of the calamity, which I contend it is, what is the remedy? Surely, that the power shall in future be given to persons on the spot here, who consequently will neither have the temptations nor the impunity. Instead of which, the Bill before us gives more temptation and power to the governor of India. He is rendered infinitely more capable of abuse, and he is set more above the reach of punishment. What has been declared as the next principle of our calamities? "That orders from home have been disobeyed in India, and that no instructions which have been sent out have at any time been regarded." What is the evident remedy for this evil? Surely, to make the chief officer in India so directly dependent on the source of government at home, that he shall not have it in his power, whatever may be his inclination, to disobey the orders which he may receive. Instead of which, the Bill adds so considerably to the powers of the governor there, that he has no check upon his ambition. If the Bill had not been framed by the delinquents themselves, it could not in my mind have been more directly calculated to perpetuate the abuses. Whether the Bill may not have been framed by those delinquents, or at least by their emissaries, is a matter which it is not our business to discuss, whatever may be our suspicions.

My next principle, continued Mr Fox, with regard to India, always has been, that whoever has the government ought also to have the patronage. The right hon. gentleman may talk speciously in this House about the division of the power and the patronage; but in my mind, if there be a receipt, a nostrum for the making of a weak government, it is by giving the power of contriving measures to one, and the nomination of the persons who are to carry those measures into execution to another. Nothing, in my mind, can be more clear than this proposition, that the concerting of the measure and the appointing of the officer ought to be in the same breast. Instance a great army: if a plan of operations for an important campaign was concerted by one board, would it not be the height of madness and absurdity that the power of nominating the general who was to carry that plan into effect should be trusted to another? In such a ridiculous system, where would be the responsibility? The authors of the plan, if it miscarried, would say the fault was in the officer. The nominators of the officer would say it was in the plan. 'Oh but,' say the ministers, 'we know that such a system would be too absurd to last, and therefore, you see, we have the power of a negative.' I am pleased that they have any thing that looks like unity; for surely nothing can be so ridiculous, and nothing so childish as to disjoin the patronage from the government.

If, for instance, the new commissioners should send out instructions to check all farther accession of territory, all future sanguinary measures, all rapaciousness and bloodshed, and at the same time that the court of directors should appoint, which it is very probable they would do, Mr. Hastings to carry their instructions into execution—does not the bare statement

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of the case show the complete absurdity of the idea? Theories which do not connect measures with men, are not theories for this world; they are the chimeras with which a recluse may divert his fancy, but they are not principles on which a statesman would found his system. Mr. Hastings, for instance, has declared his mind: he has shown us, by the experience of many years, that he is determined to disobey orders which tend to peace. But what are all the instances compared to that daring act of disobedience, his not carrying into execution the orders for the restoration of Cheyt Sing? [Here major Scott said across the table, "No such orders were ever sent."] Mr. Fox went on. He thought there were; but should he be ordered to replace Cheyt Sing, after he has declared that he will never consent to so degrading an instruction, what must be the feelings and sentiments of India on the occasion? Would they not say, "These are pompous words; you preach out charity to the ear; you say peace, peace, when there is no peace; you tell us that the sanguinary system shall be no longer pursued, and in the same breath you continue a person in power," of whom a learned gentleman (Mr. Dundas) some time ago said, "that he never went out of Bengal without carrying blood and devastation in his train; that he never paid a visit to the borders, but for the imprisonment of some prince, or the extermination of a people." What other can we conceive of such inconsistency, but that you design to cheat us? We can have no opinion that you are serious. You have all along given the same instructions to the same man; he has always disobeyed them; and we, therefore, have no longer confidence in your sincerity."

But the negative provides against the appointment of improper officers. The commissioners have a negative, and therefore they have full power. Here, then, is the complete annihilation of the Company. Ministers take the complete government into their hands, and here is a full and direct violation of chartered rights. That the Bill originated in India, or that it was in all its parts suggested by men who had imbibed the politics of India, he verily believed. It was a scheme of dark and delusive art, and seemed to be built on the model of the attack made on the great mogul and the king of Bengal. It worked upon the Company's rights by slow and gradual sap. The first assumption made by the minister was the power of superintendence and control. What he means by this power I cannot easily imagine. Does he mean such a superintendence and control as this House has over ministers? No; for this House has not the power of giving official instructions. It is to be an 'active control;' and this is the next step. An active control is not a very clear species of authority, and may be carried to a great length, until at last they give a full exposition of their views, and seize upon every thing but the show of authority. Such exactly, I am informed, was the plan by which the great mogul and the king of Bengal were reduced to what they now are. To this artful and progressive scheme I peremptorily object. If it be right to vest the powers of the court of directors in a board of privy counsellors, to which however I should object, it should at any rate be done openly. A great nation ought never to descend to gradual and insidious encroachment. Do what you wish for openly; and show the Company that what you dared to do, you dare to justify. If the question were merely whether the powers ought to be continued in the hands of the directors, or put into the hands of a board of privy counsellors, I should not hesitate one moment to give it to the latter; but, unquestionably, I do not approve of the idea of giving it to a board of privy counsellors.

The great object in settling the government of India, is to contrive the means of separating the commerce from the revenue. The right hon. gentleman, who is infinitely more fond of talking about looking our situation in the face than he is of really doing so, has not upon this occasion, and in this instance, looked our situation in the face. I took much pains in my inquiry concerning the commerce and the revenue; I consulted with every one capable of giving me instruction, or of suggesting the means; but I could not devise the means of really and beneficially separating the commerce from the revenue. I found that they were so involved, as to be for a time at least inseparable. I found that the revenue was absolutely necessary to the conducting of the commerce, and that the commerce was essential to the collection of the revenue. I felt the difficulty. I agreed with some of the most intelligent men,

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that a separation might be effected by time; but I looked our situation in the face, and finding the necessity of the state called for the government of India, I took the commerce as well as the government. This was my measure, and the House knows the cry which was circulated throughout the country. What is the measure of the right hon. gentleman? The board may send instructions to India in commercial matters, where they think the revenue is concerned. The Chancellor of the Exchequer and one of the Secretaries of State may do this. But if the Company should conceive that the subject of the instructions is merely commercial, they may appeal—appeal to whom, from whom? Appeal from the Chancellor of the Exchequer, and one of the principal Secretaries of State, for the time being, to the King in his council? What, will not the King in his council advise and take the opinion of the Chancellor of the Exchequer and the Secretary of State? Or is it insinuated by the Bill, that the security of the Company consists in the appeal being from the ostensible advisers of the King to the secret junto, who are really the efficient ministers of the country? Is this, which has been with so much probability suspected to be the case, now to be acknowledged? Or is the appeal any thing more than a fallacy and a farce?

Here, then, is the difference between my abominable Bill and the Bill of the right hon. gentleman; between my Bill, which has excited so much clamour, but upon which I am ready now, and ever shall be, to appeal from the public to the public; not doubting but that, however they were deluded by the nonsense of epithets for a time, they will form a true judgment at last. By my wicked Bill the commerce was taken as well as the government. By this Bill, if the commissioners do meddle with the commerce, the directors have the glorious privilege of appealing from the minister to the minister. My Bill placed the commerce in the hands of nine gentlemen, who either were at that time, or had been formerly, in the direction, and who consequently were competent to the care of it. This Bill gives government, territory, revenue, and commerce to a board of privy counsellors. This is a Bill, in my mind, calculated to perpetuate weaknesses. It perpetuates weakness by dividing the power. Leave the entire powers with the directors, or take them entirely away.

I have been told since I came into the House this day, that the clause of secrecy is to be withdrawn. I am glad to hear it, if it is meant fairly. It would have been highly absurd that such a contradictory system should have been established under the name of a government, where orders might secretly be conveyed to India by the commissioners, at the very moment when they were giving their open countenance to instructions to be sent from the directors of a quite contrary tendency. It would have been a farce, a child's play, rather than a government, to suffer such a scheme of dark intrigue.

I now come to speak of the influence which has been made so much a topic of declamation and of clamour. I do not scruple to say, that I would infinitely rather see the influence erected at home than abroad, because I am sure that at home it would be much less than abroad. Will any man tell me, that if Mr. Hastings had been at home he would have been able to do the same things which, with his long arm, he has been able to do in India? Could he have withstood the resolutions which the learned gentleman (Mr. Dundas) so much to his honour moved against him two years ago? Or could he have had such influence as to have worked upon the same learned gentleman, after he had made the declaration which I have recalled to the memory of the House, "that Mr. Hastings never went to the borders of Bengal, without having in view the imprisonment of a prince, or the extermination of a people," to state to the House much in his praise, and very little in his disfavour, and say, that his recal was only a matter of expediency at the time? Could such a conversion have been accomplished by any person in England? No, Sir, it is the great India governor at Calcutta whose influence I dread.

But, say ministers, the plan of succession by seniority and gradation will destroy the great influence of the chief governor in India. Is this true? Are all captains alike? all majors, all colonels, all appointments of the same rank, civil and military? No, the source of influence in India is the service on which they are sent. One captain may be sent to one place, and another to another; one to Benares, another to Oude; and the great object is to procure the lucrative instead of the valueless destination. Hence, then, the absurdity of the projected scheme of seniority and gradation. By such a scheme

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you take from the power at home the means of securing the attachment and loyalty of the inferior. Compare it again to an army. The general must undoubtedly be invested with powers sufficient to the execution of the measures intrusted to him; but at the same time he should constantly know, that his authority is derived from a source to which all his army look up for preferment, and from which alone he can draw security for himself. Establish the principle, that all his officers and men should be advanced according to the seniority and gradation, leaving to him the sole authority of sending this colonel to one service, and that to another; and what is the consequence? That the army becomes the property of the general more than the king. Just so of the Company. If the civil and military officers do not look to home for preferment, if their fortunes are to depend solely on the chief governor, what more have they to do than to court his favour, by entering into his views. If he should desire to disobey the instructions, his army is ready to support him, for the parent power has yielded up the means of drawing the expectations of the body to itself. Unhappy land! thus art thou devoted to the continuance of that pernicious system which has devastated thy fields, which has drenched itself in thy blood, and fattened on thy spoils! Thus, miserable people, are you to be abandoned to the merciless and insatiable lusts of a successive band of sanguinary adventurers, before whose eyes no punishment is set up equal to the temptations which the luxuries of your land present to them! Would it not be better to say to the governor which you shall send out, 'Act as you please in Hindostan for these four years to come; do as you like; all I shall require from you is to give me an account of your transactions when you return?'

My Bill was charged with erecting a fourth estate in the legislature. Did it erect any estate which did not exist at the time? The court of directors was the fourth estate, and my Bill only changed the nature of that estate. It changed it from an estate without efficacy, to one which promised to have it. It changed it from one which, from its quality, was liable to much delusion, to one which, by being incessantly under the eye and inspection of parliament, was less liable to imposition, or to misconduct. It changed it from one not controllable, to one constantly under check, and removable by address from either House. Could the commissioners have continued in office one moment after an Address? They could not, like the present ministers in the last parliament, come to reason against the Address. They must have retired. If that board had been nominated and removable by the crown, I may venture to suspect that the Bill would not have been so harshly treated in another House.

Had I made the board removable by the crown, it might not have been so palatable to the last House of Commons; but to the other branches of the legislature I think I may venture to suspect it would have been more agreeable. I have been accused of grasping at power. Did I shew such a disposition? The road was open. I had only to be instrumental to the influence of the crown, to the increase of that influence which I had contributed to diminish, and the road to power was open. But it would neither have been honourable to myself, nor safe for the people. I chose my course; and I do not regret the personal consequences. This Bill, on the contrary, increases the influence of the crown, without reforming the abuses of India; it goes a length which mine never presumed to go; and indeed it is too much the character of the present ministry to subject the country to very great and alarming inconveniencies, for very uncertain, and, at best, but very slender good.

With regard to the regulations which are proposed with respect to presents, I think that in the year 1784 they are idle and ridiculous. They were made in the year 1773. They were then made as strong as they can be now, and they have been of no avail. The only efficacious plan of putting an end to this and every other abuse is, by the institution of a vigorous government. Place vigorous powers in the hands of men constantly under the eye of parliament, and what are the consequences? If they should come down and say, 'We sent out strict injunctions, but they have been disobeyed,' the answer would be apt and conclusive, 'Why do you not remove the disobedient officer? Instantly appoint his successor, and bring home the delinquent.' Such was the prospect which I had in the appointment of commissioners; and so far am I from thinking that the institution of such a board would have given immense influence to the ministers who should ap-

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point, that even now, when I shall hardly be suspected of wishing permanency to the ministers in being, I am most earnestly desirous that they should invest commissioners with the complete power of the Indian affairs; so anxious am I for the permanency of the Indian government

But I was asked, why should the Indian government be rendered more permanent than the British? It is more necessary, in my opinion, that there should be more permanency in a distant government than in a near one. Shocks in the one cannot be observed when they happen, and the effect of changes might not be seen in time to be remedied. My board had not complete permanency, but it had a chance for permanency by its constitution. From what source has all the weakness of the Indian government sprung? From the variations which happened in our government at home. Why has Mr. Hastings presumed to disobey the orders of government? Because he has dependence on a party, which in the chance of changes may be able to protect him by the time that his disobedience is known. I see an hon. gentleman (major Scott) smile: perhaps that gentleman's smile means to insinuate, that his great friend's dependence is on a power not liable to the changes of party, and from which all the calamities of the reign have originated; perhaps it is too true, and too visible, that the present Bill is the production of the same fountain. The time may come, and I trust it is not far distant, when the eyes of that quarter will be opened to the true interests of the crown and the people.

To sum up my objections to the first part of the Bill, they are these; it provides for a weak government at home by the division of the power; and it perpetuates the abuses in India, by giving additional authority to the officers abroad. It is unstatesman-like in its principles; for it absurdly gives the power of originating measures to one board, and the nomination of officers for the execution of those measures to another. It increases influence without vesting responsibility; and it operates by dark intrigue, rather than by avowed authority. In regard to the second part of the Bill, consisting of the regulations, I think, and always did, that the zemindars and polygars ought to be restored to their possessions, and that the rents should be fixed and settled by a rule of past periods, and not of future inquiry. Begin fresh inquiries and assessments, and you give authority to the very evils which you profess to remove. I consider all the prohibitory clauses against presents as mere words, and must do so in recollecting how much has already been tried, and to how little effect. Mr. Fox here referred to the conduct of general Clavering, colonel Monson, and Mr. Francis, of which he spoke in the most handsome terms; he alluded to the memorable expression of lord Thurlow, "that he wished the ship had gone to the bottom that conveyed them to India;" an expression which he softened by saying, that he made the wish, "because he could spare them out of the world." He treated this language in terms of strong indignation.

The third part of the Bill, which he should take notice of, was that which related to the mode of trial intended to be adopted, instead of a trial by jury. He had no objection to that part which legalized evidence to be taken in India, and properly transmitted here; but what he never could give his assent to, was the abolishing the trial by jury; for although it was equally necessary for both judge and jury to possess a sound head, good sense, and an honest heart, yet the nature of their stations were widely different; one was to judge of the matter of fact, the other of the law; the jury had merely to consider of the evidence before them: and the only similar trial to the one in question that he knew of, was that of a court-martial; but that materially differed, as every soldier at the time of his inlisting knew what tribunal he must submit to; but in the present instance, persons gone out to India went out on the faith of being tried, if occasion offered, by the then known laws of the land, and not by any arbitrary mode that might be afterwards adopted; and if the present Bill was not to affect any that were already gone abroad, it was in fact doing nothing. But in a court-martial a man was tried by his peers, by men brought up in the same school, in the same profession, with the same notions of honour and discipline; but here was a material difference, and as the clauses were framed, it appeared to him intended more as a screen for delinquents than as a punishment; for there were but two kind of accusers, and who were they? Why, the Company, or the crown. Now, supposing Mr. Hastings coming home; would the Attorney-General accuse him? No; certainly he would not; for the grave Chancellor had

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declared the man innocent already. Well then, would the Company accuse him? Certainly not; for it would be an absurdity to suppose that the Company, who were his servants, his domestics, would dare to accuse him; therefore the tribunal might fairly be called a bed of justice, for justice would sleep upon it. The India Company would be sure not to accuse him, for at the time he was committing the depredations in Oude, to stop the mouth of the Company, he sent them home an investment; and to curry favour, employed the son of the chairman, in direct opposition to the orders he had received from home; of course he was secure from the Company, and had nothing to do but to make his peace with government; for he certainly was as much at their mercy as he would be in the most arbitrary and despotic country that ever was formed; for the mockery of three peers to be chosen, and six commoners, was absurd to a degree, as every person must know that the crown would have the appointment of the whole: and what chance did an individual stand who was to have the crown for his accuser, and to choose the judges to try and determine? He was extremely severe on the reflections that had been cast on him relative to invading the charter, and pointed out by what means it would now entirely be taken away from the proprietors; therefore he cautioned them to be careful, not in the blindness of their zeal for a man, however fair his character might be, to suffer him to do that which they would hereafter be sorry for when too late. He concluded by saying, he would not trouble the House any more at present, as he should have an opportunity in the committee, and he hoped several times before the Bill passed, of pointing out to the country the danger there was in passing this Bill, and the mortal stab it would give to the constitution of this country.

Mr. *Dundas* observed, that the right hon. gentleman had been careful in setting out to caution the House against being misled by the dangerous and absurd idea that prevailed; namely, that every Bill, though acknowledged to be imperfect, ought to go into a committee. He declared, that he had no wish to avail himself of any such general opinion. He confessed that the commitment of a Bill was the stage in which it was most likely to be cleared of errors; but at the same time he would say, that a Bill might be so faulty in its principles as to render it utterly inadmissible into any committee. If full credit could be given to the assertions of the right hon. gentleman—if the House were to receive his words as the oracles of truth—then would there be the greatest reason for granting, that the Bill which was before the House was one of those which ought to be immediately arrested in its progress. It could not be denied, that the arguments that had been used were plausible. They tended to establish a variety of facts against the Bill; and if they could have established them beyond the possibility of doubt, the Bill would certainly have appeared in a despicable light indeed. In that case, he would have been the first man to intreat that it might never be received into a committee. But, as his sentiments on that head were widely different from those of the right hon. gentleman, he would forbear any such solicitation: he would indulge himself with entertaining strong and sanguine hopes that the system for the regulation of the territorial possessions in India, which had been proposed by his right hon. friend, would be one that would tend at once to enrich the Company and to secure the lives and property of the natives of the East. These were advantages which had not been fully comprehended in any former Bill of the same kind.

The principles and the ultimate ends of the two Bills were very opposite to each other. The one boasted that it took no power from the crown, nor gave any to the legislative branch of government; while it was at that very moment annihilating every particle of power which properly belonged to the crown or to the executive branch of the legislature, and also robbing a great and respectable body of men of their most invaluable rights. The other Bill again was intended to lodge a principal share of the executive power of the territorial laws of India in that department of government in which it ought by right to be vested; and it shewed every degree of tenderness to the chartered rights and privileges of the Company: it was, in fine, one which he doubted not would produce that happy and desirable mixed government which every friend to the immunities of a wealthy people would cheerfully welcome and maintain. The right hon. gentleman had attacked it, because it was so repugnant to the notions which he had expressed on the appearance of his Bill in that House. He was happy to think that

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the great defect imputed to it was of that kind; that very defect was, in his honest opinion, the greatest excellence which it possessed. Though the present Bill gave new powers to government, yet they were so circumscribed that they could not, in the hands even of the most abandoned prince, be converted into instruments of mischief or oppression. They went only to give those checks to the proceedings of the Company, which all the world confessed to be indispensably necessary. One officer or two, government was enabled to appoint, and it was to have a voice in recalling; beyond that its power did not extend; all other rights and privileges were to remain with those men who had long been allowed to have the justest claim to them. Thence it appeared that the patronage and authority over the Company's concerns was, by the Bill of his right hon. friend, equally divided among different powers. Was the case such with the Bill of the right hon. gentleman? No: there was there to be no distribution of patronage: his board of commissioners were to possess all, fully and indisputably; every appointment was to proceed from them; every individual dependent on the Company was compelled to stoop to them: they were to be princes at home and sovereign umpires abroad; a revolution at which nought but the aspiring ambition of that right hon. gentleman could have aimed.

The right hon. gentleman had thought proper to asperse the Bill on the score of its being calculated to bestow too great a share of patronage on the crown. By that Bill it was to be enacted, that no one cadet should be appointed for the space of several years; for a time, indeed, within which the charter of the India Company would expire: and did that argue a desire of grasping at too much patronage? It was farther to be enacted, that all promotions in India should follow in regular succession. From that circumstance, every means of favouring the sons of great families was cut off. It had also been alleged against the present measure, that no public good was to be expected from it, because one body of men were to nominate and another to execute. On that head he did not need to use many words; for nothing of consequence had been advanced by the right hon. gentleman. Had he endeavoured to shew that the crown had assumed either too much or too little power, then would he have made room for disputing the point; but as he had judged it proper to wave that consideration, there was nothing more to be said. Two short arguments he had adduced; and of these he would only observe, that he did not deem it fair to commend the one at the expense of the other: in truth, they were both equally false and hollow. Should the Bill be reckoned defective by the committee, on account of the circumstance which had been mentioned, still he was, in his own mind, convinced that the affairs of the Company and of the nation would not suffer much from that defect; for it related chiefly to the conduct of the Company's servants; and he was persuaded that their disobedience had never been so instrumental in promoting the ruin of the Company's affairs, as the want of permanency in the system of government adopted by the directors at home. The Mahratta war, for example, was not undertaken through the obstinacy or disobedience of the leading men in India, but by the advice and order of the board of directors. Here he defended his former conduct against some charges of inconsistency. He said, he never did vote for the recal of Mr. Hastings, because he blamed his proceedings. He did once wish to see him in England; and his reason was, not that he thought he had acted wrong, but that he feared that he would not be able to recover the confidence of the people of India.

The Bill under discussion, he said, was not held up to the world as a complete and unexceptionable view of what it would be proper to do with regard to India. It contained the great leading features only of a system for the government of that country. What it set forth on the subject of responsibility might be susceptible of improvement; though he did really think that, in that particular, it was less exceptionable by much than any former Bill. It reposed a certain trust in a determinate number of commissioners. It obliged the Company to submit to the inspection of these commissioners, copies of all their orders and dispatches; and if any of them should be deemed improper, it gave them a power of making alterations and amendments. But, said the right hon. gentleman on the opposite side, my commissioners were obliged to come down to parliament and give an account of their proceedings; so, added Mr. Dundas, will several of the new commissioners; and besides the laws then waiting to be finally

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discussed by the committee, made every offence liable to the severest reprehension. There was no crime, there was hardly any piece of neglect whatever, that was not made punishable in one shape or other. On some of the topics to which he had been speaking, he remembered some very striking words of the right hon. gentleman's on two former days. The first of these was so long ago as the 9th of April 1782. Those words were, "That the legislature ought to be careful not to deprive the Company of the privilege of appointing their own servants; and that it behoved them to treat with the utmost circumspection and tenderness those inherent rights of the Company, their charters, &c. which were as dear to them as life itself." Here Mr. Dundas confessed that he never had been very fearful of the crown acquiring too much influence. He believed that there would have been no danger in granting it more than the Bill before them proposed to grant. What he meant at that instant to observe was, how vast an alteration had been obtained in the sentiments of that right hon. gentleman since the year 1782. In the last session he said, "Let us keep a watchful eye over the proceedings of the Company, that we may be able to remove their servants as we shall judge it expedient:" and all the House well knew with what respect and feeling he then proposed to treat the Company's charters. On that day he discovered that he was again possessed of his original ideas. From these changes he was disposed to hope, that the day was not far off when their opinions would accord; when that gentleman would confess, that the sentiments of his earlier years were those of wisdom and sound policy. He also reminded him of the language which he held last winter respecting patronage.

The appointment by one set of men and the execution of law by another, was the chief ground over which the right hon. gentleman had trodden. He had from the consideration of these circumstances concluded, that the newly proposed system was too absurd to last. The strength of his arguments was derived from the notion, that no efficacious measures could be taken while there was any chance of difference of opinion subsisting between the separate branches of the Indian government. He had a question of a nature somewhat similar to ask of the right hon. gentleman. His board of commissioners was to continue for four years. Administrations were sometimes known to change within a much shorter time than that. How then were those commissioners to act, when a new ministry, with sentiments the very reverse of those who appointed them, should step into the cabinet? That he did understand to be a difficulty which would be much harder to solve than that over which the right hon. gentleman seemed to stumble. From these views of the case he was inclined to believe, that there was either no danger in the mode of appointment proposed by the new Bill, or that that part of the right hon. gentleman's own Bill was a mere solecism: for he thought it was fair to say, that either no board so constituted as the nine commissioners were to be, could possibly act with effect under any administration but one of views corresponding with their own, or that the new administration for the territorial possessions of India was regular and wise.

The next grand point of inquiry was, the influence which the new Bill was to give to the Company's servants in India. On that topic Mr. Fox had descanted largely. He wished to propose one plain question to the candour of the House: Whether was it safer to the constitution of this country, that an overgrown power and patronage should exist at home or abroad? Merely to put the question, in his opinion, superseded all reasoning on the subject. His ideas on that head were nearly allied to those of a learned lord, who had been rather unhandsomely alluded to in the course of some of the speeches on the affairs of India. That learned lord had said, that nothing could save India but granting to the servants of the crown immense patronage, together with immense responsibility; and in that respect they were both fully agreed. He then entertained the House at the expense of Mr. Francis, who, he said, had not come over to Britain in order to serve any description of constituents, but to answer a speech that had been delivered by that learned lord, which he thought reflected on some part of his proceedings. Mr. Francis had said, that the government of India could only be maintained honourably and easily by having the seat of direction in London; for otherwise, the natives of Hindostan would not regard the authority of the officers of the Company. Mr. Dundas held a very opposite opinion. He was convinced, that it was consonant

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to the genius and passions of Indians, to submit more readily to a power that was placed among them: they were fond of pomp and parade, and never would be influenced by the mere sound of a distant government Mr. Fox had argued against the inefficacy of some of the present laws, and at the same time, the obstinacy and criminality of the Company's servants, by shewing that little respect had been paid to the injunction of that House with regard to the accepting of presents in India. To his reasonings Mr. Dundas answered, that the most probable of all schemes for enforcing obedience had been adopted. A strong and positive law had been enacted, and heavy penalties and punishments annexed to it; and, in his opinion, no other steps could possibly be taken by his right hon. friend. He humourously observed, that he did not see why that gentleman should have such an invincible dislike to presents. If he recollected rightly, his Bill gave away some little presents.

As to the new court of judicature, Mr. Dundas was as far from being convinced by any thing that had fallen from the other side of the House, on that, as on any other point. What was proposed in the Bill, he believed to be consistent with justice, good sense, and good government. And he was as fully persuaded that the business which was intended to be done in that court, could neither be done in the court of King's-bench nor Common-pleas, nor by a jury of any description whatever; nor was even parliament competent to try the causes that might proceed from India. Respecting the court of King's-bench, gentlemen had already seen the inadequacy of that tribunal. Many unreasonable and unjust suspicions had been hinted with regard to the propriety of resting the disputes of India with the attorney-general, and many disadvantages had been connected with the mode that the new Bill proposed. A trial by jury was recommended by the hon. gentleman over-against him, somewhat like the juries which now sit in this country. He begged the House to recollect the inconveniencies and even impossibilities that would accompany a trial by juries. Many of the objects that would occasionally come before them, would be of great magnitude: the evidence necessary would be very difficult to collect: so that on many occasions the controversy could not be decided at one meeting. In such a case, what was a jury to do? They could not starve in the exercise of their office; and if they did not expose themselves to the hazard of that calamity, the business would often go unfinished. Besides, the subjects which they would have to determine, would often be above the comprehension of ordinary jurymen. In fine, he thought no court but that which the Bill recommended could answer all the great purposes that were to be attended to. That Bill proposed a court consisting of members impartially chosen out of both Houses of Parliament. To these it was to add three judges, who were the oracles of our laws, and who would rule the proceedings of the court with candour and truth. These were the persons, the only persons who were qualified to decide the important concerns of India.

Lord *Delaval*, who had come into the House during the debate, rose and justified his voting with Mr. Pitt, declaring that he should always govern his parliamentary conduct by a knowledge of what the real sense of the people was. His lordship attacked Mr. Fox and those who sat near him, for not having submitted to the sense of the people, as he had done.

Lord *North* descanted with some pleasantry on the observations of lord Delaval, with regard to the effect of what had lately passed without doors, declaring that although Mr. Coke, the late worthy representative for Norfolk, was no longer a member of that House, and though another gentleman had gone down to Banbury, in order to be chosen in his stead, and prevent him from continuing a member, yet he still adhered to his old opinion: in his time, he said, he had seen many changes of opinion, he had also lately witnessed a variety of changes; but notwithstanding he had lived in a court a pretty considerable part of his life, and might on that account be expected to prove supple and pliant, he had not bent to the prevailing prejudices of the day: he still thought the Bill brought in by his right hon. friend a better bill for the purpose than that now under consideration. Speaking of lord Thurlow, and justifying him from the suspicion of having any inhuman intention, when he used the expression relative to sir John Clavering and colonel Monson, he said, that every expression apparently harsh that escaped men in the heat of debate, ought not to be considered seriously. The learned lord had on the same day compared the reports of the committees of that House to the

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history of Robinson Crusoe, and said they deserved no better credit. Now no man, he believed, imagined that this was the learned lord's real opinion, and he dared to say, his learned friend opposite had not been angry at the comparison, although he had been the author of some of those reports. He knew, for his part, that the comparison would not hold, because they were not quite so entertaining as Robinson Crusoe, and he believed his learned friend was not ready to allow that they were quite so fabulous. The only persons who had treated them as if they had been mere romances, had been the general court of proprietors of the East India Company, who, notwithstanding what was stated in those reports, and notwithstanding a resolution of that House directing the recal of Mr. Hastings, had paid the reports, and resolutions of the House grounded on those reports, no more regard than if they had been a second chapter of Robinson Crusoe.

Major *Scott* said, that if the House would have the goodness to allow him three minutes, he trusted he should be able to assign some good reasons for sending the Bill to a committee, where it might be purged of the objectionable clauses, and rendered of real service to the country and the Company. All he should say, therefore, was that he totally differed with an hon. gentleman (Mr. Francis) as to his opinion of the desperate state of our affairs in Bengal; but he trusted the House and the public would recollect, that in twenty-five days after the hon. gentleman landed in Calcutta, in 1774, he transmitted to the court of directors as melancholy a picture as he had now given to the House. He then found Bengal depopulated, its revenues wasted, and even murders daily committed in our most populous cities. That description was as fabulous as this day's. The hon. gentleman had himself seen many prosperous years in Bengal since 1774; and he trusted that in the next ten years they should see many more. With respect to the declamation of the right hon. gentleman (Mr. Fox) he earnestly prayed him to bring a charge against Mr. Hastings. He talked in general terms of disobedience of orders. Would the right hon. gentleman have the goodness to descend to the level of common mortals, and specify one single instance of such disobedience? He would consent that Mr. Hastings should suffer, if his reasons for such disobedience did not bear him out. With respect to the fatal consequences to be expected from the increase of Indian wealth and influence in that House, and in the country, he would quickly remove the apprehensions of the House and the public, by opposing a few simple facts to unmeaning assertions. Much had been said of the influence of Mr. Hastings in that House and in the nation. He solemnly denied the fact, if it was meant to convey an insinuation of corrupt or improper influence; Mr. Hastings was as unconnected with the present as with the late ministers. All he asked on the part of Mr. Hastings was justice, and he wanted neither favour nor protection from any man. Much also had been said of the influence of East Indians in general in that House. On a former occasion he had partly refuted a calumny of this kind, by the best possible mode, by an appeal to facts. He now held in his hand a paper which contained an exact list of all the civil servants of the Company, appointed to Bengal in the last 22 years. This list is warranted to be accurate, and it proves, that of 508 civil servants appointed in the last 22 years, 37 only have returned to this country; 150 are gone from whence they never can return; and according to every probable calculation, not 37 of the 321 now in Bengal, will return in the next ten years with fortunes acquired in India: of the 37 who have returned, not a man has brought home an enormous fortune; many of them less than 20,000*l.*; some of them not a shilling: nor has one fortune to my knowledge been rapidly acquired; and of the whole number, two only are members of the House. The fortunes that have been acquired by military gentlemen who have gone out or been appointed cadets or officers in Bengal, in the last 22 years, are still more inconsiderable. In that time above 1,200 officers have been appointed in Bengal, but not 30 of the 1,200 have returned with any fortunes at all; and two, captain Watherston and myself, have the honour to sit in this House. Of this number I know only five who have brought home above 20,000*l.* and many have returned with less than 5,000*l.* About 30 officers since have returned, being disabled by wounds or ill health, and have now a very bare subsistence from lord Clive's military fund. That large fortunes have been acquired in Bengal, no man will doubt; but the time is long since passed. At the first revolution, in 1756, upon the English acquiring

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power in Bengal, and in consequence of the battle of Plassey, some very enormous fortunes were made. Again, in the first acquisition of the Duannee, when the entire government of a great kingdom devolved upon a very few English gentlemen, rapid and enormous fortunes were made by two or three of them; nor was it possible it should be otherwise. Our commanders in chief too, in those days, general Smith and sir Robert Barker, acquired very large fortunes from the power and influence they enjoyed, by being constantly at Allahabad with the king, or in the vizier's country. Again, by the treaty of 1775 with the present vizier, the entire management of Oude fell (as Mr. Hastings foretold it would) into the hands of the resident at his court. This was narally the source of great influence and great emolument to two English gentlemen not yet returned to England. It is a circumstance worthy of remark, that of all the civil servants who have gone out in the last twelve years, that is, since Mr. Hastings became governor, only one has returned, and that gentleman never profited sixpence by his appointment; for he quitted Bengal either before it arrived, or a very few months after, with an unblemished reputation. He returned with his relation, Mr. Francis. It is equally worthy of remark, that not a single gentleman who has been in the governor-general's family, civil or military, has returned to England with any fortune, myself excepted; and I certainly did not acquire a fortune in Mr. Hastings's family: I brought with me, or left behind, about 7,000*l.* being all that I acquired in sixteen years. If such is the state of the fortunes acquired by gentlemen appointed to Bengal for the last 22 years, it will be found upon investigation, that the fortunes acquired at Madras and Bombay, by gentlemen of the same standing, are still more inconsiderable. They are fewer in number; and I do not suppose that 30 gentlemen who went out in or since 1762, have returned to England from both presidencies. This however is capable of proof; but as Bengal has been called the garden of Eden, I confine myself to that spot. Enormous as were the fortunes acquired in Bengal at the battle of Plassey, by which an empire was conquered for Great Britain, and at our acquisition of the Duannee, they did not amount to so much as was acquired by individuals here, by one of the noble lord's loans, during the late calamitous and unfortunate war. I shall be truly happy if it should be my good fortune, by preserving that sacred regard to truth, from which I have never yet deviated, to remove from the minds of the public those prejudices which have been instilled into them by the bold assertions of men who have said and unsaid, just as it answered their political purposes; and who, when they were in the plenitude of power, never dared to do what they ought to have done, if they really thought Mr. Hastings a delinquent, that is, to have brought in a bill for his removal upon some one specific charge. Instead of this, what is it they did? Their leader accused him of a crime, for which if he had been guilty, his life would have been too poor a sacrifice; he then declared he meant nothing personal against him; and in the end, this Mr. Hastings, this notorious delinquent, was offered a full and free pardon for all his offences, provided his friends would tacitly submit to see the Company, his benefactors and preservers, deprived of their rights and plundered of their property.

Mr. *Dempster* said, he would state his objections to the principle of the Bill, but without arguing upon them. The negative of the crown upon the Company's appointment—[Mr. Pitt said in a low voice across the House, "I will give up that."]—The appointment of the three commanders in chief—["I will give that up also."]—Very well, said Mr. Dempster; if you give up the next point to which I object, I will vote for the Bill: I will never consent that the court of proprietors shall be deprived of their franchises: I think the loss of our freedom would soon follow—[Mr. Pitt gave an unfavourable 'No.'] Mr. Dempster said, then he would oppose the Bill. He objected to the selection of judges out of the House of Commons; they had already a legislative and a superintending and controlling power, but they had not a judicial capacity; and he, for one, would not be forced to be a judge. He begged to suggest to the House what he had often thought would be the best thing that could be done with the territorial possessions. He knew the House would not listen to a proposition for restoring them to the natives; probably they would not govern them better than we did; he would not abandon the large body of our fellow subjects, who were actually in India, earning their bread, he might truly say, with the sweat of their brow; but he would propose, that his

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Majesty should be requested to send over one of his sons, and make him king of that country: we might then make an alliance or fœderal union with him, and then we could enjoy all the advantage that could be derived from the possession of the East Indies by Europeans—the benefit of commerce.

The House divided on the motion, That the Speaker do now leave the chair:

Tellers.

YEAS	Mr. Rose Mr. Robert Smith	271
NOES	Lord Maitland Mr. Sheridan	60

The House then went into the committee.

Mr. Chancellor *Pitt* expressed the satisfaction which he felt from the concurrence of the House in having thus forwarded the Bill. The support with which so respectable a majority had honoured the measure, encouraged him to hope for their farther acquiesence in making a progress even at that late hour. He had been assured, that no opposition was intended to the commitment of the Bill, yet a very considerable one had been made to it. The advanced period of the session urged, that the business should be entered on as it was intended for this day; and as the Bill in its general principle came so well recommended by the authority which it brought from the House, he trusted that the minute and component parts would not be objects of opposition. He therefore moved, that the Bill be read paragraph by paragraph.

Mr. *Fox* thought the right hon. gentleman's opinion, that the more minute parts of the Bill would pass of course, because the general principle had been carried, was rather singular, when the cause of the opposition which was made to the commitment of the Bill was those very clauses which the right hon. gentleman now styled minute: one clause established commissioners for the government of India; another erected a tribunal for the punishment of delinquents; and were these minute? To that gentleman they might seem so, but their importance required mature discussion; he therefore urged the putting off the farther consideration of it for the present. He also argued, that it was in general understood; that the concurrence of the Company was had to this Bill; this he had reason to believe was not the case; he had from authority many reasons for saying, that the proprietors consent was not with many parts of the Bill. He wished the minister would be explicit; that he would stand forth and avow how far he was supported by the opinion of the Company. He admitted questions must arise, which would make control indispensable; and that that control, which might meet the full approbation of the Company, would be an ineffectual remedy for the complaints to be removed; for whilst their own will was consulted, all the mischiefs arose that were now complained of; but he would have it understood, that the control going to be established, went farther than the consent of the Company attended it.

Mr. *Pitt* replied, that there was no farther consent required now, than there was in the last session, when the same matter was before the House: to the general principle of the Bill there was no dissent at that time or now; and though there had been a dissolution of parliament since, yet there was no dissolution of the Company or proprietors to render new sentiments on the occasion necessary to be resorted to at present. There was not any question now which involved the annihilation and confiscation of right and property. Justice, as far as expediency would permit, was consulted on the present occasion; and yet such was the conduct intended to be pursued, that every indulgence was made to those who were to be the objects of the Bill, or who would be concerned in its operation.

Mr. *Powys* said, that though he voted for the commitment of the Bill, yet his sentiments bid him act very differently on some of its clauses, of which he did not approve.

After some further conversation, the chairman reported progress, and asked leave to sit again.

July 19. On the motion for going again into the said committee,

Mr. *Sheridan* observed, that when the right hon. gentleman had opened the subject of his present Bill, though he had stated it as his intention to combine the three objects of it together, yet he had not signified any determination tenaciously to adhere to that purpose, but had given the House to understand, that if it should be the wish of any number of gentlemen to have them separated, he should have no objection. Mr. Sheridan declared, that the part of the Bill that went to the

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institution of a new judicature, was of so much importance, that he could not but wish extremely that it was put into a distinct Bill. He reminded Mr. Pitt, that he had himself stated his ideas upon that part of the Bill as by no means settled and confirmed in his own mind, but had rather thrown them out as hints of what he thought might be done, and had called upon gentlemen in a very candid way for their sentiments, in order that by their assistance the institution of a new tribunal might be so modified and guarded as to leave little room for objection. Emboldened by these sentiments, he now rose with the hopes of persuading the right hon. gentleman to divide his Bill into two at least, by which means that which related to the institution of the new judicature might receive that distinct degree of discussion which the very great importance of it, and the serious effect it would have on the criminal jurisdiction of this country, well entitled it to. As no delay would be occasioned by this division of the Bill, and as every possible purpose the right hon. gentleman could propose to himself from going on with the whole of it as one Bill, would be effectually answered, he trusted there could be no objection to such a proposition, and therefore he moved, "That it be an instruction to the said committee, that they have power to turn the Bill into two Bills."

Mr. *Pitt* said, if he was sure that a motion like the present came from an hon. gentleman desirous of lending his assistance to enable both Bills to survive the operation proposed, he, in that case, should the more readily give it his assent. He feared, however, that was not the fact. He admitted that it was very true, on the day of his opening the Bill, that he had not declared himself particularly tenacious of the ideas he had suggested on the subject of the new tribunal to be instituted for the trial of delinquents in India, after their return home; nor had he expressed any very determined resolution to comprehend it under the present Bill; but the more he had thought upon it, and the more he had heard upon the subject in general, the more he was convinced it ought to be comprehended in the same Bill, that contained the provisions for the institution of a board of control and superintendence at home, and for the regulations of the government in India. The new judicature was a necessary part of the whole system, and without it, he was persuaded, the two other parts would appear extremely defective. As far, therefore, as regarded his own opinion, he was rather inclined to keep the Bill as it was, and let all its objects be seen at once; but if he could be assured that no delay would be occasioned by acceding to the proposition now made, and that there was not in the present proposition a latent intention to attempt to postpone the passing of the part relative to the institution of a new tribunal for this session, he did not know but his desire to meet the wishes of the other side of the House might induce him to give way. He hoped that gentlemen would recollect, however, that the Bill, as it stood, had been read twice, and after a debate of considerable length, several of the clauses had gone through the committee; he feared, therefore, if the present proposition was given way to, the tribunal Bill would have to pass through the stages over again that it had already travelled.—[Mr. Sheridan said across the House, "O no! not an hour will be lost; both Bills may be reported separately, when the committee makes its report, and then go together to the third reading."] Mr. Pitt said, if the case were so, much of his objection would undoubtedly be removed. He hoped, however, if he did consent to divide the Bill, it was to be understood that the other side of the House meant to act fairly, and that they should not again hear of such things as a sudden change of a declared opinion, and after a promise not to oppose a Bill till it got into the committee, be surprised with a motion against the Speaker's leaving the chair.

The *Speaker* said, that the form of the proceeding was, if an instruction similar to that moved were to pass, separate reports of the separate parts would be made by the chairman of the committee; two bills would then be engrossed, and proceed to the third reading, without either of them going back to any former stage.

Mr. *Jolliffe* declared, that he never could give his consent to the proposed tribunal as it stood at present, and therefore he wished it to be separated from the rest of the Bill, in the two former parts of which there were many things that he approved. He said, he was so old fashioned as to differ from the generality of that House greatly about the influence of the crown. He neither thought it had increased too much, nor that it was increasing more than it ought to do. On the contrary, he held the opinion then

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that he had uniformly maintained and avowed, that if the influence of the crown was increased, he should not be displeased; it appeared to him to be as necessary for the preservation of the constitution, as the growing health and vigour of any one of its essential parts. If, therefore, the present Bill had gone a little farther than it had done, and had given more than it did to the crown, the higher would his approbation of it have been raised.

Mr. *Eden* observed, that dividing the Bill into two, so far from proving any disadvantage to the plan, would, in his mind, considerably conduce to its acceleration. The clauses that had already passed the committee had been so violently altered, and the Bill so much cut, maimed and mangled, that it would be absolutely necessary to recommit the whole. The dividing the Bill, therefore, would obviate the recommitment of the latter part, that respecting the institution of a new tribunal, if due care was taken in filling up the blanks of the clauses in the committee.

Mr. *Pitt* said, the hon. gentleman had argued as if he had actually consented to the motion, whereas, all he had said was, that probably he might accede to it, if he was sure it would neither delay the progress of all the objects of the Bill, nor operate so as to cause them to be not so well attained that way as the other. This willingness to give way he had been induced to signify, from a desire to oblige the gentlemen on the other side if he possibly could; but though he thought it a matter extremely desirable to comply with their wishes, whenever he could do so consistently, he trusted they would not imagine he was too cold in his feeling towards them, if he declared, that to oblige them he did not think himself warranted to disoblige those on the side on which he stood. Since he had last spoken, he had learned from those around him, that they were extremely averse from acceding to the proposition; he must, therefore, beg the other side to excuse him, if he retracted what he had before said. Upon maturer consideration it did appear to him, that if the Bill were divided, the objects of it might be detrimented. The Bill certainly contained three objects, but they were all relative objects, and immediately connected with one another. When they sent it to the other House, they would send it thither as the system for the future government of India, which they gave as a system that was in their judgment best adapted to the purpose. To send it up to the Lords, one bill after another, would not be to give their own ideas fair play. He therefore must be excused, if he refused his assent to the motion.

Mr. *Sheridan* wished the right hon. gentleman had adhered to his former concession, though he acknowledged, he was so seldom guilty of conceding to that side of the House, that he had feared his condescension would not continue till the question was put. With regard to what the right hon. gentleman had said relative to the Lords, he thought the right hon. gentleman paid the understanding of their lordships a bad compliment, and relied less than he ought upon a House so full of his friends, if he was afraid of their not either comprehending the Bill if it went up in parts, or receiving it cordially, let it go up in any shape he might choose to give it. As to the subject matters of the Bill going to one object, undoubtedly they did so; but they were to all intents and purposes three distinct Bills; and as not an hour would have been lost by the separation, he still hoped the right hon. gentleman would re-consider what might be termed his re-consideration, and re-concede what he had just retracted. Had the right hon. gentleman remained firm to his concession, it would be fair to say they would have gained a point, because he was persuaded many who approved of the former parts of the right hon. gentleman's Bill, did not approve of that relative to the new judicature; in like manner, he made no scruple to acknowledge, that many who were most partial to the Bill that had been brought in by his right hon. friend before Christmas had their doubts as to the plan that he had in contemplation, with regard to providing a system of jurisdiction applicable to the trial of the East India delinquents. If the Bill had been divided, all those who held, that there had existed no peculation in India, that it was the scene of purity and integrity; that no oppression had been practised, no tyranny exercised over the natives; that rapine was unknown in the different territories we had acquired, and the neighbouring princes domains; and that out of 500 persons who had gone to India, only 30 had returned to England, and all of them without any fortunes at all, must necessarily have voted against the tribunal Bill; because men, avowing such opinions, would surely never consent to

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subjecting their friends and principals to so severe, and, if their arguments were good, so unjust a tribunal.

Major *Scott* declared most solemnly, that that part of the Bill which went to the establishment of a court of judicature, had his entire approbation. He believed in this he spoke the sentiments of every gentleman who had served his country in India; and he was sure such a judicature would be highly agreeable to every person now in India with whom he was connected. All he desired was, to be freed from that mock mode of investigation established by a select committee of the House of Commons, which professedly made no charges, consequently an accused person could not defend himself; but whose Reports tended, and were intended to blast the reputation of every man whose conduct came in inquiry before them. To illustrate this more fully, the major read the following extract from the ninth Report of the select committee: "Your committee conceive, that under the orders of the House, they are by no means obliged to make a complete state of the evidence which may tend to criminate or exculpate any person whose transactions they may think it expedient to report: this, if not specially ordered, has not hitherto been, as they apprehend, the usage of any committee of this House. It is not for your committee, but for the discretion of the party, to call for, and for the wisdom of the House to institute, such proceedings as may tend finally to condemn or acquit. The Reports of your committee are no charges, though they may possibly furnish matter for charge; and no representations or observations of theirs can either clear or convict on any proceeding which may hereafter be grounded on the facts which they produced to the House." After reading this extract, he would ask, whether he had not sufficient reason to wish for any new institution which should free him from a select committee of the House of Commons. He was himself debarred the privilege of defence on the part of Mr. Hastings, because the Reports were not charges; yet, when Mr. Fox brought in his plundering East India Bill, he and other gentlemen on the same side made a most unjust use of the Reports. They argued from them, as if every charge had been established; and in the next sentence declared, that the conduct of Mr. Hastings was no subject of consideration then.

Mr. *Vansittart* declared he had served the Company in several situations, some of them of considerable rank in India, during fifteen years, and he could not accuse himself of having ever been guilty of the smallest peculation; but he had much rather have a charge of that kind established against him, than of having ever committed oppression, tyranny, or injustice, on any of the natives. He knew a great many other gentlemen who had served in India at the same time, and he verily believed they might safely say as much. He declared his approbation of a judicature so constituted as that about to take place if the Bill passed. Every man accused of peculation or bad conduct in India, if he had any feelings, must wish to be tried by a jury, composed of the most respectable order of men in this kingdom.

Mr. Sheridan's motion was negatived without a division. The House then went into the committee.

Lieut.-colonel *Cathcart* said:

Mr. Chairman; when the general principle of this Bill was under consideration, I had several observations to offer; but I did not rise to speak on that day, being desirous not to interrupt a debate, in which the measure was as ably attacked and as ably defended, by those whose knowledge of the British constitution, and whose researches concerning India, rendered them competent judges of the effects it would produce if adopted, both at home and abroad. May I, Sir, in the present stage of the business request the indulgence of the committee, in suffering me to express my sentiments on those clauses which more immediately relate to the government of the armies in India? I am induced to speak upon this topic, from the accidental circumstance of having lately served in that country. Impressed as I am with the urgency of the necessity for an immediate reform in the government of the armies in the settlements of the East India Company, I must repeat what I had the honour of stating to a former committee, that experienced men have taught me to believe, that the basis of our military prosperity must be founded on the simplification of the service in the Indian army, by placing that corps wholly under the crown, or totally under the Company. If I understand what fell from the right hon. mover of this Bill on a former day, he declared that the idea of vesting the nomination of the com-

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manders in chief in the crown was totally dropped. If that is the case, without in the least committing my ideas respecting which head the army in India ought to be under, I may safely say, that if the Company is to have the appointment of the commanders in chief, I think they ought to have the entire government of the troops which are employed under those commanders. Unless, Sir, some such change of system takes place, it is hardly to be expected that our arms in the East will ever be successful, either in the case of our being again involved in a war with France, or of our having the misfortune to be in a state of hostility with any of the native princes; for the same cause of disunion in the army continuing to exist, will in all probability produce farther bad consequences, perhaps fatal effects. It strikes me that the Bill under discussion, in several clauses, aims most wisely at a reduction of expense by retrenching the emoluments of the servants of the state: but, Sir, it is to be hoped that the new board or court of directors, in short those who are to regulate these details, will temper their zeal for this species of reform with moderation; because neither civilians nor military men of respectable character will go out to India, or reside there, unless the disadvantages of loss of health and absence from their connexions, are in some measure counterbalanced by a reasonable prospect of returning to Europe with a competency, at least to pass their old age above penury, above the want of many little comforts, which though not, strictly speaking, necessaries of life, become such to those whose constitutions are debilitated by a long residence in hot climates. Whilst I am on the subject of the salaries of those who serve their country in India, give me leave, Sir, to state to the committee a curious and important fact, which exists under the regulations now in force. The British army, composed of his Majesty's, of Bengal, and of Madras troops, serving in the Carnatic, is a corps on the same duty, but I am sorry to say, I know it well, whose component parts receive very different allowances. The Bengal detachment derive from their establishment a considerable increase of pay, because they are south of the river Kristna, as a gratuity to compensate for the increase of their expenses whilst serving out of the provinces to which they immediately belong. His Majesty's troops allege, that their expenses are as heavy as those which the Bengal gentlemen are obliged to incur; and that as to being on service out of the province to which they belong, they are four thousand leagues from Great Britain, the fountain of their establishment. The Carnatic battalions must live upon the same footing with, do as much duty as, and run equal risks with, either of those divisions of the army which I have quoted; but they are told that they are quite at home, and have no sort of reason to complain. On the first consideration, it may appear trivial to have mentioned this point here, which if the Bill passes, will certainly come within the authority of the new government; but the disagreeable consequences which have already followed from such unequal distribution of pay to different parts of a British army, all of which incur the same expenses, share the same dangers, and fight in the same cause, have induced me to relate this circumstance in my place, hoping that on account of the expenses which troops incur for conveyance of baggage, &c. that the new board will take an opportunity of substituting a gratuity to be paid upon their leaving the provinces to which they belong, in lieu of the present mode of compensation. I do not find any clause inserted for the regulation of the zebundys, or revenue militia. If, Sir, that corps was subjected to military discipline, we should find it solid economy, because frequent false musters would be prevented; and on emergencies, this militia being placed behind works would add considerably to the strength of our defences. An hon. gentleman (Mr. Francis) on a former day remarked, that he thought the clause respecting the seat in council of the provincial commander in chief, resident at Fort William, was either inaccurately or extraordinarily worded. I confess this observation concurred with my ideas; I could wish that the idea of granting seats in council to the commanders in chief, should be extended to the commanding officers in districts where there are chiefs and councils. If they had also seats at these subordinate boards, it would be ascertained, that upon all military discussions professional men would be consulted; and I think that the introduction of these military members could not distract the councils, or be detrimental to the commercial or financial administration, because the great majority of counsellors would still be commercial men; these observations lead me to apologize for an

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inaccuracy I was guilty of on a former day. I stated, that by the present regulations of the Company, the provincial commanders in chief at the several presidencies had a right to sit and vote in council, on military and political discussions. There I was wrong: it is the commander in chief of all the forces over India, who is permitted, when deputed from Bengal to the other presidencies, to have a seat thus restricted. The resident commanders in chief have sometimes at some of the presidencies sat in councils; at other times been members on military and political points; and in other cases, as in the instance of brigadier-general Stibbort, have not been employed as counsellors on any subjects.

I am not sufficiently used to examine acts of parliament, to say positively, whether it is any where defined in this Bill, that the supreme government have powers to depute a general on service to any of the other presidencies, unrestricted by any set of men, and not amenable for the outlines of his conduct to any tribunal, except the supreme council, whose plans he is not sent to execute. On a former occasion I had the honour of stating my reasons for thinking that such secondary interference as now exists is detrimental to the public service. The same doubts lead me to ask, for information, whether, by any clause of this Act, the government general can vest in any person or persons, a commission to negociate treaties, &c. which they may wish to conclude with any of the native powers; and whether these persons may proceed directly to the courts of such Indian princes, without negociating through the channels of Madras and Bombay, although even the war may have been more directed against the presidencies than against the immediate government of Bengal. I beg it may be understood, that I am far from wishing to obstruct or protract business by the questions I have been asking. They regard matter of national importance, touch upon points which have been disputed, and, for ought I know, are now contested in India. Before I sit down, Sir, I wish to narrate a piece of Indian intelligence which has come to my knowledge within these few days; it is a circumstance which particularly claims our attention before the Bill goes out of the committee: major-general sir John Burgoyne is under an arrest. The letter which states this as a fact is from a person high in office, from so respectable a quarter, that there is no reason to doubt of its authenticity. All the world knows that the general who preceded sir John Burgoyne, and who commanded in chief both his Majesty's and the Company's forces, has been arrested, confined, and sent over to this country. This is no news; it is a subject which is not before the committee, and which will probably be discussed elsewhere, therefore I shall not enter upon it. The recent instance is very alarming; I shall not branch out into the various misfortunes which might or may have happened in consequence of these violences: I will confine myself to one: by an act of parliament now in force for punishing mutiny, &c. in the armies of the East India Company, the power of ordering courts martial is vested in the commander in chief of his Majesty's forces for the time being, not only for the trial of the officers and soldiers in the service of his Majesty, but of those acting under the Company. Major-general sir John Burgoyne being arrested, has had it in his option either to deliver over to the officer next in command who is not under arrest, the official delegation of that act which has been transmitted to him from this country, or to have declined giving up that official paper. If the general has withheld this power for summoning courts martial, what dreadful convulsions may have ensued? I cannot guess the precise line of conduct which sir John Burgoyne has adopted, but I have every reason to suppose he has acted with propriety. If he has surrendered this official delegation to the officer next in rank to him in the service of his Majesty, differences of opinion may have arisen amongst the officers, whether, in the eye of the law, the general being under arrest, and not a freeman, could deliver over this or any other power. The validity of such doctrine I leave to the discussion of gentlemen learned in the law. I have stated these ideas, in hopes of convincing the committee, that some clause ought to be inserted to prevent in future any government in India, subordinate to the supreme council, from proceeding (whether right or wrong) to such extremities, unless on accusations of high treason or treachery. How can any administration count upon the enforcement of plans framed at home, and for the execution of which officers of rank have been deputed to India, if there exist several sets of men in that country who can con-

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fine these persons in whom government has placed so much confidence? Is not this disadvantage alone more than equivalent to any mischief which might probably arise from our restricting the power of arresting general officers in India to the authority of the commander in chief of all the forces, and to the government general, unless in the two cases to which I have alluded? I am afraid, Sir, that I have trespassed upon your time, but I have not spoke lightly upon this subject. I wish, for his sake, for all our sakes, that a late worthy and respectable commander in chief of all our forces over India was now alive and in this House; I will venture to say, he would not have controverted any of the topics I have insisted upon. His memory is and ought to be dear to his country. It is revered by the superstitious natives of India; and, Sir, the East India Company have lately voted a statue to his, and, I think, to their honour. I wish the committee would, upon this day, add some tribute of deference to his experience, by adopting some of those principles I have urged, well knowing them to have been those of that able general. I shall conclude by observing, that the seeds of discord are now no longer latent in the East; unless we profit of the present opportunity to root them out, they will, Sir, in a few years, arise to the heighth, which, I fear, will overshadow the glory of this country.

Mr. *Dundas* replied, that many observations which the hon. colonel's professional knowledge afforded him, and which he disclosed with candour, had recommended themselves to acceptance. Government had in view by the present Bill to remove all the causes of jealousy which must exist between two armies under different heads, and which being the case in India last war, was productive of great inconvenience and mischiefs; for this reason they had agreed that all forces serving in the East India territories should be the Company's forces, and that the appointment of a commander in chief should be left to the Company, which would render subordination as complete as the removal of jealousy could contribute to make an army.

Mr. *Pitt* said, he felt himself much indebted to the hon. colonel for the information he had thrown out: and in regard to the idea of giving the commanding officer in the several presidencies a voice in councils, he thought it deserving of attention.

General *Burgoyne* rose to defend the conduct of his near and respectable relation, sir John Burgoyne. A report had gone abroad that sir John had refused to accept the command of the Company's troops. This, he said, was not the fact: sir John had put himself at their head, as soon as he knew general Stuart, the former commander in chief, was under arrest, and a close prisoner. The general declared, his hon. relation's eminent services in India had been so fully acknowledged, that it was unnecessary to mention them.

Mr. *Pitt* moved, that the blank before the words, 'Supreme counsellors,' be filled up with the word 'three.'

Mr. *Welbore Ellis* objected to that number. He said that parliament might as well at once make the governor-general absolute, as put it in his power to make himself a majority; for if only one of the three counsellors should join with him in any measure, he himself would make a majority by his casting voice; and therefore he was of opinion, that it would be much better either to increase the number of counsellors to four, that so there might be a real and not a fictitious majority, or else not to appoint any counsellors at all, but leave to the governor-general an uncontrolled power, with undivided responsibility.

Mr. *Francis* said, that in a council such as the right hon. member proposed, there would be a preponderancy of opinion only, but not one of members; and he did not apprehend that a council ought to be so constituted as to make the fate of a country depend on one man; but particularly it could not be good policy to give a man a council to advise, and to control him if necessary, and yet put it in his power to evade all control.

Mr. *Vansittart* said, that when it was agreed that the governor-general of Bengal should have 25,000*l.* a year to support his rank, while the supreme counsellors had only 10,000*l.* a year each, it was intended that the former should have more authority than the latter; the committee would fill up the blank in the clause as they should think proper: but if they should vote to appoint more than three supreme counsellors, he would move that the governor-general should have only 10,000*l.* a year in future; for if he was to be considered merely as one of the council, without any superior authority, he ought not to receive a higher salary than any other member or counsellor.

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Mr. *Pitt* said, it was undoubtedly intended that the governor-general should have a greater share of power than any other member; and this was his reason for so constituting the council, as to give him a majority by his casting vote; the committee would judge how far it was adviseable to adopt his ideas on the subject.

The motion was agreed to. The chairman then read the clause: "That no order or resolution of any general court of proprietors shall be available to revoke or rescind, or in any respect to affect any act, order, resolution, matter or proceeding of the said court of directors, by this Act authorized to be made or done by the said court, after his Majesty's pleasure shall have been signified from the same."

Mr. *Dempster* said, he never would give his consent that any such clause as this should pass. By this clause the court of proprietors would be annihilated; and he never would consent to the annihilation of a court, which in his opinion had more than once served this country; and he ventured to say that it was not possible to name one instance out of twenty in which the court of proprietors had been in the wrong in its decisions. He would not enter into the legal discussion of the question whether a majority of a corporation could surrender up the rights which every individual held under a charter, but he would contend that a power was going to be taken from a body of men who had never yet abused it.

Mr. *Dundas* insisted, that nothing was taken from the court of proprietors which ought to be left with them; the determination of great political questions relating to war and peace was indeed to be taken from them, but that was all; the appointment of their servants, even of commander in chief, was still to be in their own hands; and they would still have a right and power to recal their servants at their pleasure; they would only be restrained from preventing the return of any servant whom the court of directors and the new board should think proper to recal.

Mr. *Francis* said, that if the whole power of the court of proprietors was to be taken away, he would vote for the clause; if not, he would oppose it. For his part, he conceived that the clause would most completely annihilate the power both of the court of proprietors and the court of directors.

Major *Scott* declared, he would sooner cut his hand off or his tongue out than he would consent to a clause that should take any power from the court of proprietors, if they themselves had not consented to it. But the clause took very little from them, and that with their own consent: even at this moment, if the court of directors, having agreed upon a particular measure, should consult ministers upon it, and obtain their approbation, the court of proprietors must be precluded by the act of the directors and the subsequent approbation of the crown; it was only before the royal approbation was given to the measures of the court of directors that the proprietors could interfere; and then they could prevent the directors from referring the matter to the king's ministers.

Mr. *Boughton Rouse* said, that the proprietors having repeatedly abused their power, they ought to forfeit it entirely.

Mr. *Samuel Smith* defended the court of proprietors. He agreed with major Scott, that if the court of proprietors interfered before the directors should have got their measures approved by the crown, they could annul those measures; but the measures being once approved, the proprietors were precluded from any interference. Thus, had the directors, when they resolved to recal Mr. Hastings, applied to the Secretary of State for his approbation, the court of proprietors could not have prevented the recal. The clause before the committee would leave the court of proprietors in a very little worse situation than they were at present; and as to what was to be taken from them, he, for one, would never consent to it if he did not know that the court of proprietors had already signified their consent.

The clause was agreed to without a division. The chairman reported progress, and asked leave to sit again.

July 21. The House went again into a committee. On reading the clause obliging all persons on their return home to give in a duplicate of their fortunes upon oath,

Mr. *Welbore Ellis* observed, that an account of their property thus given was not sufficient grounds to clear up either suspicion or charge before those appointed to make the inquiry; to be perfect on this head, a cognizance of what they were worth on their departure from home was necessary, otherwise it would be fruitless to endeavour to ascertain with any cer-

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tainty what they had really acquired abroad, and would open a wide field for evasion and abuse.

Mr. *Pitt* thought it would be fully to the purpose, to cause these gentlemen, on their return to England, to state what was their property on going out, and what they had acquired in India.

Mr. *Eden* thought the clause objectionable for many reasons. He did not deny but that a necessity existed for going some lengths more than ordinary to correct the abuses complained of. He argued that the friends of this inquisitorial evidence ought to apply the same remedy to the abuses in the West Indies, and to those who had the handling of money at home; the same principle that extended to one extended also to the others, though not in so pressing a degree as to the one under consideration now. He suggested that some discrimination ought to be made, and that they ought not equally to involve all people concerned in that service, as no doubt some were actuated by principles of honour.

Mr. *Ord* thought it was hard to subject all to such rigour, and proposed that it should only extend to those against whom a suspicion lay.

Mr. *Dundas* said, if such should be the opinion of the committee, he requested the odious duty of making the charge should be transferred to some other body of men than those appointed to act under the present Bill. The directors or proprietors would be much more proper for such a task, where punishment was to be partially inflicted; the principle he would have general, as it thereby removed all imputation of favour from the commissioners, and enabled every man to sit down and enjoy with conscious satisfaction what he had acquired with honour.

Mr. *Dempster* reprobated the idea of treating every man who entered the service of the Company as a character upon whom suspicion ought to be entailed, till he submitted to the tribunal intended to be established: in his opinion, the very remedy proposed would have the least effect where it was intended to operate; for the very man who could be guilty of peculation or extortion, was the very man who would least hesitate to make an oath to justify himself, and insure his ill-acquired wealth.

Lord *North* approved of making the examination of all those who returned home from India general. An opinion of guilt should not be entertained against any man in particular before proof; and it would be making a cruel distinction to point at one man and exempt another, which must terminate at length in partiality; but of all people, he could not approve that the proprietors, or any loose body of men, should have the authority of conducting accusations, as wealth would again find the way to mitigate punishment.

Sir *James Johnstone* said, that the poor would undergo punishment, and the rich escape it.

Mr. *Powys* asked Mr. Pitt if he meant to modify this clause?

Mr. *Pitt* replied, that he proposed to continue the clause as it stood; but that in fact it would be modified by a subsequent clause, which exempted persons from giving in the account where fortunes did not exceed a certain sum. His idea was to fill up the blanks in that clause with 5,000*l.* for five years, and so on in that proportion.

Mr. *Jenkinson* said, that undoubtedly the clause appeared harsh, but it was necessary. He thought, that if a gentleman at the end of ten years returned with only 10,000*l.* all further examination would be needless.

Mr. *Vansittart* said, that the clause struck him as very harsh and severe. There might be a variety of reasons which might operate upon the mind of a perfectly honest man to make such a disclosure very disagreeable to him. He therefore thought it should be applicable to those only against whom some charge had been brought.

Mr. *Francis* highly applauded the principle of the clause; but he said it did not provide for the punishment of men, who might in fact not be worth a rupee, but who had acquired large fortunes by peculation, and had afterwards dissipated those fortunes in India.

Major *Scott* conceived, that if a gentleman who in India had acquired great riches by peculation or oppression, had afterwards dissipated the whole, and even involved himself in debt, should return to England to succeed to a fortune bequeathed to him, he would be amenable to justice, and responsible for his actions in as great a degree as if he had brought a large ill-acquired fortune to England. With respect to what had been proposed, that those who returned at the end of ten years, with 10,000*l.* should be exempted from any examination, he could assure

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the committee, that nineteen out of twenty of the servants in India would be exceedingly happy at a prospect of being worth 10,000*l.* in ten years. But the fact was, that not one in ten was worth a shilling at the end of ten years; that the service of the Company of late years was not advantageous, till after a much longer residence, though there might be a few exceptions. With respect to the clause, he certainly approved of its being general; under the present circumstances it had his entire approbation.

Lord *Mahon* spoke in favour of the clause, and was of opinion, that such a law hanging over the heads of those who acted in India, would force them to act uprightly.

Sir *W. Dolben* observed, that the case of many people who went out to India before this law was intended to pass, must be very hard, as they must feel the effects of a jurisprudence they had no right to foresee they would be subject to; and there were many there now, who, from their engagements in the Company's service, were not permitted to return home: on these it was particularly severe.

Mr. *Pitt* replied, that as the law which established this jurisdiction over them was not to take place for twelve months, some then had it in their power to avoid the new law; and even those whose situation confined them still in their engagements, were not so hardly treated; for they were timely informed of what they must submit to, and caution sufficient was given them how to act in this new predicament. He then wished to submit to the committee, the ratio of savings which gentlemen might be supposed to acquire fairly in five years, he thought about 5,000*l.*; this, he thought, was giving a very indulgent extent.

Mr. *Smith* thought this mode of rating the property of individuals both inaccurate and injudicious; it allowed for no gradations in rank or property; the commander in chief, and the lowest commander of a district, whose pay and opportunities were widely different from one another, must abide a test at the same ratio; but waving the argument of military men's property, whom he expressed no objection to preclude from the benefit of commerce, there still must be a wide allowance made for the servants of the Company, in a civil employ, who had many opportunities of honestly profiting by their own industry, who were often engaged in allowable and honest undertakings in traffic, and who must sometimes meet a stroke of fortune, the result of some lucky mercantile speculation; the spendthrift, who should acquire a fortune there, spend it disgracefully, and return a beggar, would then have a better claim to legal reputation in England on his return, than the sober man, who carefully preserved what he honestly acquired.

Mr. *Powys* said, that he had an insuperable objection, not merely to the wording, but to the very principle of the clause; for, if he understood it right, it admitted the oath of a person to be the ground of his own acquittal; or, what came nearly to the same thing, it made the oath a bar to a prosecution; for if a man, however guilty of peculation, should make oath that he was not worth more than a particular sum, this oath would be conclusive, and operate as a bar to any prosecution. This would be holding out impunity to the guilty, and consequently such a clause would defeat its own object.

Mr. *Dundas* replied, that the clause, so far from holding out impunity, was calculated to enforce the grounds on which a prosecution should afterwards be built, as it went to procure the strongest evidence of a man,—his own confession. But it might be said, a man might perjure himself to screen his ill-gotten wealth from confiscation. It was possible; but under the guards that should be contained in the Act, he believed perjury in such cases would very rarely happen, if ever; for the risk would be great: a peculator must entrust a number of persons with his wealth; the banker where he lodges his money; the captains of ships, or other persons who bring his property to Europe; the persons in whose hands he might have left some of it in India; and he must lie at the mercy of all these people; who, finding that he had not given in a fair and full inventory of all his property, might inform against him; the consequence would be, a confiscation of his whole fortune; this was therefore a risk which, he believed, few would be found to run, for the sake of concealing a part of their effects.

Mr. *Sheridan* said, that the sacred obligation of an oath would, he feared, sit exceedingly light on the conscience of a peculator: nay, as it was impossible that a servant of the Company could have amassed an inordinate fortune by peculation, without having committed perjury in so doing, so it was very natural to ex-

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pect that he would very readily commit a second perjury in order to cover a former; and there was little reason to hope that conscience, which had been seared to all sense of religion, duty, and honour, in India, should recover its sensibility merely by a change of climate on a passage from that country to England.

Sir *James Johnstone* remarked, that if the clause was to be adopted at all, its operation ought not to be confined to the Company's servants: he therefore moved, "That it be extended to officers employed in the service of his Majesty, either in his fleets or armies, serving in India."

Lord *North* condemned that part of the amendment which went to make a distinction between persons; he had no objection to any security that might be given to merchants for property fairly acquired in the way of their business, but he was an enemy to any distinction of persons: the whole object of the clause was a severe hardship; but it would be less intolerable, if all were to be made liable to it, than a few; a distinction in this case would be odious and invidious; for to call upon any one particular individual, or set of individuals, for an inventory upon oath of their property, would be very like an accusation against them; certainly it might be said to amount to a suspicion: in order, therefore, that all odious distinctions might be done away, he wished that every man should be bound to take the oath on his return from India: the merchants could run no risk, as the property acquired in trade could not be deemed the consequence of peculation; and no fortune would be made liable to confiscation, which should not have been the fruit of peculation.

Mr. Pitt withdrew his amendment, and gave way to lord North's wish on the subject. For the same reasons nearly, the idea of making the person take the oath only when required by the controlling board, or court of directors, was also given up. Another conversation then took place, on the quantum of the sum which it might be supposed such a person might have fairly saved in India out of his salary.

Mr. Pitt at first proposed, that a person after having passed five years in India, and swearing that he possessed no more than 5,000*l.* and so in proportion for a greater number, adding 1,000*l.* for every year, over and above any other property which he possessed out of India, and not acquired in the Company's service, should be freed from all prosecution on the score of such fortune.

Mr. *Francis* observed, that possibly it might happen that the greatest peculator that ever was in Asia, might not have 10,000*l.* on his return from India, after an absence of more than ten or twenty years, and therefore, the smallness of his fortune on his return would be no proof that he was not guilty of peculation; he wished, therefore, to be informed, if a man in such circumstances, after having amassed a great fortune in India, and afterwards squandered it on the spot, was to be deemed an object of punishment within this Bill? On the other hand, it would be a hardship, that a worthy honest man, having amassed, by great economy and industry, a larger sum than what would be equivalent to 1,000*l.* a year, for every year he had passed in India, should be deemed a peculator, merely because he had not been a squanderer.

Mr. *Dundas* replied, that the man who should have squandered in India a fortune, acquired there by peculation, would certainly be much less an object of punishment than the person who should plunder the natives, and then carry the plunder out of the country: to spend among the natives their own money, would be better than to impoverish the country by carrying it out of it; but still the crime of peculation would not, ought not to be done away, by the squandering of the fortune; the peculator's crime would follow him to England: and whether rich or poor, he would be liable all the days of his life to answer for his peculation; as would the person who, in order to conceal it, should take a false oath.

Mr. Pitt proposed, that after the first five years, persons employed in the Company's service might be supposed to save out of their salaries 2,000*l.* a year, without being suspected of peculation. This was adopted.

Here sir James Johnstone reminded the chairman of the motion which he had made, for subjecting the King's officers, both of the army and navy, to the necessity of taking an oath, as well as the Company's servants, to ascertain what fortunes they had brought from India. The chairman asked, who would second the motion? Sir James said, sir Thomas Frankland would; but the admiral declared he would not. Sir James then said, "If the officers of the army and

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navy, wish to have the exclusive privilege to plunder the natives of India, I shall leave them in possession of it." Mr. Dempster at last seconded the motion: which was rejected on a division, by 142 against 39.

The committee at length came to the first clause on the subject of the new judicature to be instituted under the authority of the Bill.

Mr. *Pitt* said, that as they were now arrived at those clauses that related solely to the new tribunal to be appointed for trying East India delinquents, and as he had a variety of amendments to offer, as well as some new clauses to substitute, which would in effect amount to a material change of the judicature, as proposed in the printed Bill, he would state them altogether as shortly as he could. As the clauses stood, the bringing of the accusation lay solely with his Majesty's attorney-general, or with the India Company, to each of whom was given a power to exhibit an information in the court of Chancery. In the room of this, it was designed to extend this power of instituting a prosecution, and to authorize any other person to move the court of King's-bench for an information, which motion would necessarily be to be argued; and it would lie with the discretion of the court to decide whether, after the grounds of the application had been fairly and fully stated, there was a case made out sufficiently strong to justify the granting an information. It was meant also to give the court of King's-bench powers to issue commissions to the courts of justice in India for the purpose of taking depositions and collecting such evidence upon the spot as would best serve to throw light upon the subject matter of accusation. As it was undoubtedly desirable to restrict, as much as possible, the sort of evidence to be adduced before the extraordinary tribunal the Bill went to authorize, the institution of this mode of procuring depositions in India would, he flattered himself, be deemed a considerable improvement; but they were not to be the sole species of written evidence to be allowed; exclusive of the affidavits that were to be exhibited, minutes of the consultations of the different councils in India were to be taken as evidence; nor was this any innovation, because they already had, on various occasions, been allowed as such in the courts below.—Another material alteration was, in regard to the formation of the court, or tribunal, before whom the informations that would be granted as aforesaid were to be tried. It was not intended that such informations should be filed till after the arrival of the depositions from India; and they were not to be handed over till the whole of the evidence was collected that was capable of being procured or thought necessary to support the information; then, and not till then, the tribunal was to be chosen; and it was to consist as before, of some of the members of the other House of Parliament, and some of that: but the more to bring it to the nature of a special jury, it was intended to appoint it partly by ballot and partly by selection; thus at the time of the ballot, there should be put into a glass, lists of names of the members of both Houses, against twenty of which, the party accused should have a right of peremptory challenge. As the printed Bill stood, it was meant that the issue of the ballot should lie with the majority; but in order to give the person accused the fairer chance, as it was generally supposed that the prevailing party in that House had the majority at will, it was intended, that not merely lists of the majority with 40 names should be deemed elected, but that each list which contained as many as 20 names should stand good. It was meant farther to give the prosecutor a right to challenge, but not peremptorily, only a right to challenge for cause. After these lists of 40 and 20 were collected, they were to be sent to the judges, and by them kept, until immediately before the commission appointing the court should be ready to issue from the court of Chancery, when they should be put into the balloting-glass before the judges of the several courts, and six names should then be chosen out of the lists by ballot. As a farther alteration, it was thought proper to take away the right of nominating the judges from the crown, and to leave it to each court to appoint one of its own bench to sit and assist at the trial. There would also be clauses declaring persons of a certain description ineligible upon the court, such as the directors of the India Company, persons who had been in India, and every other description of men that could possibly be supposed to have any bias or prejudice upon their minds at all likely to affect the impartiality and justice of their opinions and decisions. Mr. Pitt stated other regulations, calculated to render the new

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tribunal as unobjectionable as in the nature of things it could be made, and informed the committee, that since he had first opened the outline of it, a great many meetings had been held for the purpose of considering it maturely, and endeavouring to find such modifications, restrictions, and rules, as should be most likely to add to its improvement, and to secure it as a medium of the distribution of justice, unmixed with prejudice, and free from abuse of every kind. Having substantially stated what the amendments he intended to propose amounted to, and described the effect they were likely to produce, he proceeded to move them one by one, as the committee arrived at the different parts of the remaining clauses of the Bill in which they were to be introduced.

Mr. *Sheridan* said, that what the right hon. gentleman had suggested certainly went a considerable way towards removing the objections that he had entertained against the court of judicature, which the printed Bill held forth as the tribunal that was to be instituted; it was, however, impossible for him, on the first hearing of alterations so various and so material, to say how far they were all of them improvements or not; but as the report of the Bill, when it came out of the committee, was to be printed with the amendments, he should then be the better able to judge.

The committee then went on to fill up the blanks, and receive the supplemental clauses, which they did, and the whole Bill was gone through, and ordered to be printed with the amendments.

July 26. The order of the day having been read, that the amendments made by the committee upon the India Bill be read a second time,

Mr. *Eden* expressed a wish that Mr. Pitt would suffer the report of the Bill to be re-committed. He did not wish the re-commitment for the sake of procrastination, but with a view to amend some of the new clauses, and correct such errors as appeared to have escaped notice. He declared, that he thought the Bill much improved in consequence of the alterations it had undergone in the committee, and that though he did not think it so adequate to its object as he hoped the Bill would have been made, he did not mean to oppose it; he was extremely desirous, however, to offer some observations that, in his mind, would tend materially to improve different parts of it, and these observations he could not so conveniently nor so intelligibly state as in a committee. If his request could not be complied with, he must submit what he had to say upon the Bill as it then stood, before he sat down. Mr. Eden then went into a brief review of the three distinct heads, that the beginning, middle, and end of the Bill refer to. He dwelt for some time on the first, the institution of a new board of superintendence and control, and offered a variety of remarks upon it. His chief objection was, that the directors and the board of control would be two clashing powers, productive of mutual inconvenience, inactivity, and delay. Upon the second he did not say a great deal. With regard to the third, the institution of a new court of judicature, he repeated his wish that it had been made the subject of a separate bill; and he declared, he was the more surprised that such a proposition should not have been listened to, since upon a perusal of the Bill, he did not observe that the new judicature was to take effect in any hurry. He condemned the clauses obliging all persons coming from India to give an inventory of their effects upon oath, and said, to compel a person to swear to such an inventory in order to afford grounds of conviction and punishment of himself, was at once to break through as sacred a principle as any he had ever heard of.

Mr. *Francis* spoke as follows:—My objections to the Bill as it now stands, are in some respects changed; but they are very little diminished. It is not to be denied that the Bill has been materially altered, and in some instances improved in the committee. Instead of professing candour, which too often is affectation, I shall speak of the present merits of the Bill with sincerity. I allow that several clauses have been prudently corrected, and others very properly omitted; but I do not mean to admit that particular improvements grafted on false principles can essentially mend the measure. It is possible that a thing which is wrong in one extreme may be equally wrong in another. In acknowledging the improvements that have been made, I hope at least to establish a claim to credit when I return to my objections.

No orders are now to be sent to India by the commissioners without the knowledge of the directors; or to the commanders in chief in India, without the

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knowledge of the respective presidencies. Orders of every kind are now to be conveyed through the proper constitutional channels. While you suffer the court of directors to exist, their authority belongs to the constitution of the Company. To pass by the first is to destroy the second; the absurdity of that idea is acknowledged and corrected; the clauses, by which the appointment of the several commanders in chief, and of persons to succeed to the command in case of vacancy, was to be given to his Majesty, are omitted. Undoubtedly, nothing could be more extravagant than the idea of separating the military from the civil power of the Company's government; the alteration was indispensably necessary: at the same time, I have no conception how it can possibly be reconciled to a political principle, which the right hon. gentleman, in opening the original plan of the Bill, laid down as fundamental. He urged and insisted on the truth of this proposition, and asserted it to be inherent in the English constitution, that the armies of any one state, however they might be divided, or wherever they might be employed, belonged to the department of the executive power, and that therefore the appointment to the several commands of the Company's forces should unquestionably be vested in the crown. He had then forgotten what he possibly may since have recollected, that the court of directors are in fact the executive power of the state in question. But I need not combat a proposition which he himself has so completely abandoned. The right hon. gentleman I see is not obstinately tenacious of his principles, or his complaisance to his friends must be unbounded.

The several clauses in the original Bill, which relate to the private debts of the nabob of Arcot and the rajah of Tanjore; the respective claims or undetermined rights and pretensions of those princes; the reinstatement of dispossessed rajahs, zemindars, and other landholders; the fixation of the rents or tributes to be paid in future; the reduction of expenses, and the final limitation of establishments, offices and emoluments, are all completely relinquished. I will not presume to say, in compliance with my opinion, but a good deal in conformity to it; the principle I recommended seems to be generally adopted, that whatever can be done immediately by the directors at home, should not be referred to the servants abroad. Yet I am sorry to see that in this general sweep, the very best clause of the first Bill is included, I mean that by which it was provided, "That it should not be lawful for the governor-general and council of Fort William, or of any of the other presidencies, or any servant or agent of the Company, to alter such tribute, rent, service, or payment, as the said court of directors should have finally confirmed; or to exact from or impose upon any native prince, or his heirs, or persons claiming under them, any greater or different tribute, rent, service, or payment, than such as should have been confirmed by the court of directors." I most earnestly recommend it to the right hon. gentleman to reinstate this clause, or to revive the spirit of it, in terms accommodated to the new principle which appears to be assumed: the tribute once fixed, I would not leave it in the power even of the directors to alter it.

The clause respecting presents is very properly amended. Wherever the prohibition is right, it ought to stand without exception. Admitting that presents were really and purely ceremonial, in my mind they degrade the dignity of a high station instead of exalting it. What in fact, and even in appearance, can be more disgraceful than for a British governor to hold out his hand to receive a few gold mohurs or rupees from every native who comes to visit him, and frequently from persons who are unable to afford it: the true dignity of power is to be accessible to its subjects, without expecting them to pay for it. With respect to the subordinate ranks of the service I still have my doubts. I am perfectly satisfied, that in the present state of the service, no law can prevent the practice, and I am not sure that you ought to attempt it. I have no expectation that such a direct provision will ever be made for the Company's servants as will even afford them a subsistence, much less an exceeding, out of which an independence can be accumulated by any efforts of economy. People in England have no idea of the expense of living in Bengal. There is no such thing as commerce. The few who have engaged in enterprizes of internal industry have either totally failed, or been obliged to abandon them; and the salaries given by the Company, below the board of trade and the colonels of brigades, are very inconsiderable; yet no man should be cut off from the hopes of a reasonable and moderate independence in

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proportion to his station. Human institutions should consult human nature.

In comparing the present Bill with the first, there is one general preliminary observation to be made upon them both: that the two Bills draw two conclusions equally false, though perfectly different, from one and the same false principle of policy. The principle common to them both is, that where power is really wanted, where power ought to be strengthened, the surest way to strengthen it will be to divide it. On this foundation the first Bill, instead of uniting the executive powers of the Company in one board, divided them between the commissioners and the directors, with so great a preponderance in favour of the former, that the latter in reality were reduced to nothing, and ought to have been abolished. On the same foundation, the present Bill continues to divide a power which ought to be united, but distributes it differently. The crown and the commissioners surrender almost every thing they had taken, and the directors are re-invested with a power which evidently supposes them fit to be highly trusted. But the trust, as it stands, is incompatible with the control. The first Bill, placing no confidence in the directors, divested them of all power: the amended Bill continues a check, in which the same want of confidence is implied, yet restores them to a power which ought never to be given to men who are distrusted. With respect to the governments abroad, the means taken to accomplish the professed object of both the Bills are nearly the same. In order to make the power at home more capable of governing, they divide it: but in order to make the power in India more governable, they strengthen and unite it. This is the sense in which the old maxim, *divide et impera*, is now understood. This is the way in which ancient maxims of policy are interpreted and applied by modern politicians.

The amended Bill reduces the presidency of Fort William to a governor-general and three counsellors, for the immediate purpose of giving effect to the casting voice, in order to increase and strengthen the power of the governor-general. This I believe is the first example of such a use and application of the effect of a casting voice. In all deliberative councils and assemblies whatever, the true and natural principle of decision is by a real majority of votes. But numbers who debate may disagree; and if the whole number happens to be even, they may possibly divide into equal parts. In that case only, the operation of the casting voice is made use of to create a fictitious majority, not for the purpose of giving power, but merely to obtain a decision. Hitherto the casting voice has been considered as a necessary provision against a possible inconvenience. The present Bill creates the inconvenience, not merely for the purpose of correcting it, but to convey a power which if proper to be given at all, ought to be given by a direct course, and secured against accidents. On the principle of the clauses in question, the governor-general ought to be a distinct person, and vested with powers independent of the council. As long as a council of four is full, the whole power that belongs to it, will certainly vest in the president, provided he has skill enough to secure the blind and devoted support of any one of the other three; and this I know may be done. But suppose his complaisant friend should die or depart, and the other two should continue obstinate; the declared object of the Bill is defeated: the president is reduced to a state, in which he can do nothing but perplex or embarrass the others, and in that state he must remain, until his interest and influence at home shall have accomplished another appointment. A year and a half at least must elapse before his new colleague can come to his assistance. If therefore the power be proper, the Bill should take care to provide for its being held and exercised without interruption. Sir, I am not supposing imaginary cases. The opposition to Mr. Hastings has not been confined to general Clavering, col. Monson, and myself. His present colleagues, Mr. Wheler, Mr. Macpherson, and Mr. Stables, have exactly the same opinion that we had of him and of his measures. Their opposition is as vigorous as they can make it, and I believe more deeply resented by Mr. Hastings than ours. From our opposition, however it might distress him, he felt no degradation. Of his present colleagues I know he has written home to this effect, "That he should have quitted the government long ago, if he could have ventured to leave it in such hands as theirs!"

But perhaps it may be suspected that the Chancellor of the Exchequer, in forming this arrangement, has been guided by experience, and that he has facts of importance to appeal to in support of it. I

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will tell the House how the facts stand, and leave it to their judgment to compare them with the arrangement. Some of the directors are present, and I call upon them to support me if I am right, or to contradict me if I am wrong. Before the death of colonel Monson, the council consisted of five persons. I do not mean at present to inquire into the respective merits of the two parties into which it was divided, or to exalt one at the expense of the other. For the immediate purpose of the present argument, it is sufficient for me to say, what every man in India and in the direction knows to be true, that, while the government of Bengal was in the hands of five persons, the Company's affairs were prudently conducted, and prospered accordingly. The system laid down in their general instructions was observed; their orders were obeyed; their debts were discharged; their treasury was filled; and great investments were provided by savings out of the revenue. Above all the rest, we fixed our attention to the preservation of peace throughout India. We maintained it ourselves; and when it was violated by the presidency of Bombay, we restored it by a direct interposition of the authority of our government. When the death of colonel Monson had reduced the council to four, which it seems is now the favourite number, the mischiefs which have since desolated India and ruined the India Company, began to operate. The second war with the Mahrattas was planned at Bombay the moment they heard of the death of general Clavering, and received, embraced, and promoted, by the governor-general and council, the moment the plan was communicated to us. In less than five months after the death of general Clavering, the resolution was taken at Fort William to break the definitive treaty of peace concluded but a year before at Poorundur, and to send an army across India to invade the peishwa's dominions. The general's place was soon supplied by Mr. Wheler; so that, from colonel Monson's death in October 1776, to the arrival of sir Eyre Coote in March 1779, the council consisted of four persons, excepting an interval of three or four months, in which I stood alone against Mr. Hastings and Mr. Barwell; and in that period, I affirm that all the mischiefs with which you are now oppressed took their birth, and grew into effects, which by this time, I fear, are not to be retrieved. Your treasuries are empty; your debts are insupportable; your investment, when you have any, is paid for by bills on the Company, and two thirds of India have been laid waste. With these facts before you, is it possible for the legislature to reject the number under which the Company's affairs were wisely and happily conducted in India, and voluntarily prefer that, under which every thing has been done which this very law professes to condemn, and most strongly prohibits?

By the 17th and 18th clauses of the amended Bill, the situation of a commander in chief of all the Company's forces in India is now provided for. At last it has been discovered that such an office exists. I have no objection to the voice and precedence given him in the supreme council, or at the subordinate councils of Fort St. George and Bombay, when he shall happen to be at either of them. But I strongly object to the situation in which his arrival there will place the respective commanders in chief at those two presidencies. He not only supersedes them in rank, but reduces them to silence. During his stay, they are only to have a seat, but no voice, in the council. The House will observe, that this is a civil office, not a military command; but, even on the strictest military ideas, the provision is absurd. The arrival of a superior officer dispossesses the inferior, but does not annihilate him; he still continues second in command, with a real and effective, though not with an equal authority. For what reason he is instantly to be converted into a mute, I cannot conceive. Naturally he ought to be better informed than a stranger concerning the affairs of the presidency, where he has commanded. But the object of the clause is to silence the person, who, having the best information, ought to be specially consulted. It ought to be considered, too, whether gentlemen of high rank in the army, whether a general officer in the King's service, who may happen to command upon the coast, be likely to submit to this sort of treatment, or how far it may wound the honourable feelings and spirit of the profession?

Sir, I shall leave the remaining regulations of the Bill to other gentlemen, who I believe have considered them with proper attention, and go at once to that article, which I confess, is, to me, more important than all the rest. I mean the new judicature which the Bill introduces into the criminal law of this country. I per-

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ceive that, in the apprehension of some gentlemen, this part of the Bill has been considerably corrected and improved by the amendments made in the committee, and that some gentlemen, who objected to it at first, are now satisfied. I am truly sorry for it; because I wish that the principle of every measure which I deem to be dangerous to the constitution, should appear at once to the public view, undisguised, in its real shape, and in the colours that belong to it. They deceive themselves grossly, who imagine, that that which is essentially wrong, can ever be formally right. It cannot be corrected or improved, because the defect is in the essence, not in the form. And why should you lay aside the trial by jury in the case of Indian delinquents? I have yet heard no one affirmative reason assigned for it. Is it suspected that a jury will not do justice? You have no ground for the suspicion; on the contrary, in the only case in point, in the only case of Indian delinquency that has been prosecuted in the court of common law, the jury did their duty. I do not mean to enter into the merits of the prosecution of Mr. Stratton and Mr. Brooke for dispossessing and imprisoning lord Pigot; it is sufficient for my present purpose to say, that the public in general thought that those persons deserved to be severely punished, and expected that they would be so. Why were they not? The jury did their part in finding them guilty. If they were not sufficiently punished, it was the fault of the bench. Now, observe the consequence: you lay aside the jury, who in the only instance in point did every thing that depended on them to bring the criminals to condign punishment, and you think you are sure of justice, in uniting the incompatible offices of judge and jury in the same persons, who, the only time they were tried, have totally disappointed the public expectation of public justice. But all reason and argument are useless against power. If a British House of Commons can, on any terms, consent, in any instance, to abolish a trial by jury, and if the people at large are insensible of the danger of such a precedent, individuals who have done their duty, must submit to their share in the mischief which they could not prevent. I fear the temper and character of the nation are changed. Though I am not an old man, I can remember a time when an attempt of this nature would have thrown the whole kingdom into a flame. Had it been made when a great man (the late earl of Chatham) who is now no more, had a seat in this House, he would have started from the bed of sickness, he would have solicited some friendly hand to deposit him on this floor, and from this station, with a monarch's voice, would have called the kingdom to arms to oppose it. But he is dead, and has left nothing in this world that resembles him. He is dead; and the sense, and honour, and character, and understanding of the nation are dead with him. But it seems there is a necessity that supersedes all objections. Justice must be done, and criminals must be punished. Sir, it requires some fortitude; it requires patience, long exercised, to endure so gross a mockery. The Bill that threatens future punishment to future crimes, gives you a special earnest of its sincerity, in sheltering every offence, and protecting every offender who has hitherto existed, or who does exist at this hour. The present law opens its bosom to receive them, and there they are safe: nay, it carries its precaution farther; it provides for the security of crimes *in esse*, that are actually unfinished, and allows a sufficient time in which they may be completed. When these honourable services are accomplished, strict justice is then to take her seat. From that moment we are never to see any thing but her sword. When the whole harvest has been plundered, when the field itself has been trampled into dust, you denounce racks and gibbets to the petty larceny that hereafter may glean a few ears of corn. I have done my part to the utmost of my little judgment and ability. From those to whom more has been given, more will be expected. What I have said will not be useless, if it suggests the materials of reflection to others, and furnishes employment for greater abilities.

The other regulations of the Bill may be thought to require immediate dispatch. If they are proper to be executed at all, they cannot be carried too soon into effect. But no argument of that kind can be applied to the clauses that regard the judicature. The Bill, on the face of it, expresses no particular hurry to punish any body. For what possible reason then should this part of the Bill be so urgently pressed forward to keep pace with the rest? The present administration, we are told, possesses the confidence, and are, at

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all times, ready to appeal to the judgment of the people. Let us see whether they are ready to act up to their professions. Surely, Sir, there can never be an occasion more proper for an appeal to the sense of the nation, than when government is going to introduce a new mode of trial into the law of this land, which, in the first instance, deprives a part of the people of their common right, and which, on similar pretences, may be extended to the whole kingdom. If the nation acquiesces, you lose nothing by the delay. If not, you are bound by your principles to relinquish the attempt.

Allow me a word at parting to an honourable, and a learned gentleman, major Scott and Mr. Dundas, to one of whom I am much indebted, and to the other, specially engaged. The hon. gentleman assures the House, that he is not the representative of Mr. Hastings, though a considerable part of his life be employed in attacking, defending, and resenting for that gentleman. I observe it to his credit, that, although he is not a principal in these questions, he takes part in them with no less activity and zeal than if the cause were directly and essentially his own. Between the hon. gentleman and me there is not, nor ever has been, any personal subject of offence. In one sense, therefore, I may be permitted to consider him as the representative of Mr. Hastings, since every man of honour is properly the representative of an absent friend. This, I presume, was the principle on which he must have acted, when he very lately created an opportunity of reciting to the House some tedious passages from a letter of ten years standing, which, pronouncing it to be extremely dull, he naturally, and I cannot say unwarrantably, concluded to be mine. But his eagerness to punish the guilty, made him forget that the House was innocent. The hon. gentleman had no mercy upon either. Not confining himself to my supposed writings, he thought it a good opportunity to produce some serious charges against my conduct. To these last, my answer upon the instant, I believe, was thought sufficient. My own feelings assured me, that I carried the sense of the House completely along with me. To his assertion, that we went to India pre-determined to declare war with Mr. Hastings at the moment of our arrival, I said, that the moment of our arrival gave us an insight into his conduct, which made it impossible for us, as honest men, to unite with him. Contrary to all his own repeated declarations and professions respecting a pacific system, we found the Company's army engaged by him in the extirpation of the Rohilla nation, with whom we had lately been in alliance, and with whom the English had no quarrel whatever, for the sole and acknowledged purpose of gaining a sum of money. We found he had sold the extirpation of a whole people, who had never offended us, for forty lacks of rupees; not a rupee of which had been paid, though the service was completed. We found a third part of the whole military force of Bengal had marched to places so remote from our own territory, that none of the ordinary maps of Hindostan went far enough north to include their situation. I submit to judgment, whether these facts alone did not oblige us to alter our opinion, not only of Mr. Hastings's political conduct, but of his personal character. The prejudices we carried with us to India were passionately, and almost absurdly in his favour. I need not enter farther into the merits of a question, on which every tribunal that was competent to examine it, has formally pronounced condemnation against him. On the 28th of November, 1775, the court of directors unanimously resolved, "That the agreement made with Sujah Dowlah and the then governor (Mr. Hastings) for the hire of a part of the Company's troops for the reduction of the Rohilla country, and the subsequent steps taken for the carrying on that war, were founded on wrong policy, were contrary to the general orders of the Company, for keeping the troops within the bounds of the provinces, and for not extending their conquests; and were also contrary to those general principles of justice which the Company wish should be supported." Even his special friends the proprietors, on this occasion concurred with the directors; except that he had interest enough in that quarter to get the reference to justice omitted, the whole body of the proprietors, *una voce*, condemned him. On the 6th of December, 1775, they resolved unanimously, "That notwithstanding this court hath the highest opinion of the services and integrity of Warren Hastings, esq. and cannot admit a suspicion of corrupt motives operating on his conduct without proof; yet they are of opinion with their court of directors, that the agreement made with Sujah Dowlah, for the hire of a part of the Company's

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troops for the reduction of the Rohilla country, and the subsequent steps taken for carrying on that war, were founded on wrong policy, were contrary to the general orders of the Company, frequently repeated, for keeping their troops within the bounds of the provinces, and for not extending their territories; and were also contrary to those general principles which the Company wish should be supported."

The hon. gentleman was then pleased to charge me with having opposed general Clavering on a particular occasion, but with so much apparent reluctance, and in terms of so much doubt and apprehension, as evidently betrayed the dependence of my situation. A difference of opinion seems a strange proof of dependence: he concluded, however, that I was bound by some secret instructions to follow the dictates of general Clavering, and that, when I refused to be guided by him, I hazarded my employment. This, indeed, if it were true, would be a serious charge, not only against me, but against general Clavering himself, whose memory the hon. gentleman professes to respect, and against the noble lord (North) by whom alone such instructions could have been given. The hon. gentleman, however, has in some degree answered his own charge. Forgetting every thing that he had said of my supposed dependence on my colleagues, he almost in the same breath assured the House, that, with respect to general Clavering and colonel Monson, I was *primus inter pares*; and that, being at the head of a majority, I had in effect the whole government in my hands. If that be true, my colleagues were no more than mere cyphers at my disposal. But in reality the charge and the defence are equally trifling. I differed with general Clavering not once, but often, as the hon. gentleman will find, if he will look over our proceedings. Men of real honour, though generally united, and acting together on the same general principles, will often disagree; and when they disagree, will be ready to declare it. Men of a different character, uniting on a different principle, will never disagree in particulars, as long as their general engagement to each other subsists. It is perfectly true, that I felt and expressed the utmost anxiety at differing from general Clavering on a question of importance; but not for the reason suspected by the hon. gentleman. I dreaded the construction which ignorance and malignity would be ready enough to give to my concurring with Mr. Hastings. I knew my situation: when I opposed him, it was faction; when I concurred with him, it was corruption. The hon. gentleman, however, has omitted a material part of the story; he has inadvertently neglected to inform the House, that the court of directors, in their letter of the 5th of February, 1777, entirely agreed with me on the point in question.

The hon. gentleman says, that we should have acted wisely for the public service, if, instead of looking back to the errors of former times, we had drawn a veil over every thing that was past, and directed our efforts to future improvement. Sir, I am not of that opinion; I have no idea that such a plan would have been practicable; and I am sure it would have been unjust. Injustice is not valid because it has been done. We could not absolutely shut our ears to complaints; we could not say, that no man who had been injured should never be redressed; the supreme court of judicature looked very far back indeed, when it was their object to make an example, and to hold it out to the natives. But if the contrary had been true, if the hon. gentleman's abstract opinion were ever judicious, he forgets that we had no choice; he forgets that the court of directors prescribed to us the very conduct we observed, and applauded us highly for pursuing it. The only point on which I could not instantly recollect enough of the subject to give the hon. gentleman an immediate answer, regarded the representation which, he says, I drew up in December, 1774, of the condition of Bengal at that time; he charges me with a wild exaggeration, in saying that Bengal, even then, was reduced to the hazard of beggary and ruin. Sir, a mere question of personal debate between the hon. gentleman and me, would be of too little moment, even to ourselves, to be obtruded on the House, if it did not lead to information immediately connected with the general subject matter of our present deliberation. You are going to make a law for the better government of Bengal. It is therefore proper you should inquire what the state of Bengal was ten years ago, when the legislature first interposed for the same purpose. The House should next endeavour to possess itself of the events which have happened in the interval, and then you will be able to determine what is probably the actual state of

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the object, concerning which you are going to exercise your legislative power.

The House, I imagine, will hear with surprise that the first intimation I received of the distress of the government of Fort William, was in a private conversation with Mr. Hastings himself. On evidence of this kind I certainly should think it improper to insist, if it had not concurred with many recorded declarations made by Mr. Hastings to the same effect. The fundamental argument constantly used by him in defence of the Rohilla war, was the distress of the Company's affairs both at home and abroad. In his minute of the 3rd Dec. 1774, he says, "All our advices, both public and private, represented the distresses of the Company at home as extreme. At the same time such was the state of affairs in this government, that for many years past the income of the year was found inadequate to its expense; to defray which a heavy bond debt, amounting at one time to a hundred and twenty-five lacks of rupees, had accumulated. By allowing the vizier the military aid which he required, a saving of near one-third of our military expenses would be effected during the period of such a service, and the stipulation of forty lacks would afford an ample supply to our treasury and to the currency of the country." On this declaration our first observation was, that urgent distress was implied in the violent nature of the remedy.

The maxims of policy invented by Mr. Hastings to support the fact, accommodate themselves perfectly to the motives on which he acted. "30th Nov. 1774. If the internal resources of a state fail it, or are not equal to its occasional wants, whence can it obtain immediate relief but from external means? I shall be always ready to profess that I do reckon the probable acquisition of wealth among my reasons for taking up arms against my neighbours." Observe, Sir, that one of Mr. Hastings's motives for taking up arms against his neighbours, not against his enemies, is plainly and explicitly to get possession of their wealth. With respect to the actual distress of the government and country of Bengal, I desire nothing to be believed on my own assertion. On the 17th of October 1774, a day or two before our arrival at Calcutta, Mr. Hastings and his council drew up a letter to the court of directors in defence of the Rohilla war, which they principally rested on "the acquisition of forty lacks of rupees to the Company, and of so much specie added to the exhausted currency of these provinces;" not a rupee of which, however, was received until some time after our arrival. With respect to the internal state of the provinces, I presume that the evidence of the late Mr. Samuel Middleton, one of the oldest and most experienced of the Company's servants in Bengal, will be allowed to be conclusive. If it were not, I could support it by a mass of other evidence of equal authority. In his letter of the 5th of February 1775, near five months after our arrival, he says, "When a very considerable portion, supposed even a third of the whole inhabitants, had perished, the remaining two-thirds were obliged to pay for the lands now left without cultivators. The country has languished ever since, and the evil continues enhancing every day." Now, Sir, I think it will be admitted that no description of national or political distress can easily be exaggerated, which is founded on evidence and authorities such as these. But has any thing happened since that time to improve the state of the country? Excepting the short interval in which general Clavering's principles and authority prevailed, have you heard of any thing but war in all parts of India; but the oppression and rebellion of princes subject to your power; mutinies among the native troops for want of pay; extraction of specie from Bengal for the support of the other presidencies, the enormous amount of which is stated as the merit of Mr. Hastings; investments bought with paper, and draughts on the directors, and debts accumulating without end? Put the facts together, and then the House will be able to determine whether the labour they have at last undertaken of correcting so many disorders, and recovering our Indian possessions from so many distresses, be a task of common magnitude, or likely to be accomplished by common men?

Now, Sir, having dismissed the serious part of the hon. gentleman's charge, I hope he will allow me to make a few observations on the manner and time in which it was produced. Supposing him for a moment to be the representative of Mr. Hastings, and to feel for that gentleman as sensibly as he could do for himself, I beg leave to observe to him, that his severity to me is not justified on any principle of retaliation. I never sought for Mr. Hastings's letters. The hon. gentleman himself brought them before the

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House, and triumphantly referred the contents of them to an attentive examination. But if it had been otherwise, I cannot admit that an inoffensive pleasantry, which wounds no man, and sometimes enlivens the gravity of debate, is equitably retorted by a serious, deliberate attack upon the moral conduct or character of an opponent. It is not likely that I should ever have occasion to make a similar reflection on that of the hon. gentleman. His actions are too well guarded, and my disposition to him is too amicable to allow me to suppose the probability of such a case. Admitting it nevertheless to happen, I certainly should not follow the example he has set me. I would not endeavour to take him by surprise. I should not expect him to carry letters or transactions of ten years standing correctly in his memory. If I thought myself obliged to bring a charge of any kind against him, I should think myself much more bound in honour and in justice, to give him previous notice of my intention, and warn him to prepare for his defence.

I am now to reply to the learned gentleman opposite to me, and with that I shall conclude. A challenge from him undoubtedly does me honour; for it supposes, in his mind at least, an idea which does not exist in mine, and could not have occurred to any other, that on the subject in question there is some approach to equality from me to him. Not being conversant in the forms of the House, I did not know, until some hours later in the same evening, that I was at liberty to write down the words of gentlemen, uttered perhaps hastily in debate, for the purpose of answering them at a future occasion. [Mr. Dundas had quoted words of Mr. Fox, which he said he had taken down two years ago.] In a day or two after, I endeavoured to recollect the hon. gentleman's words, and I believe I have taken them very exactly. If not, I hope he will do me the favour to correct them. He said, "That gentlemen had talked in a loose general way of disobedience of orders, without coming to particulars; that if they would point out instances, he should know where to grapple with them.—With respect to the Mahratta war, he affirmed that Mr. Hastings was not guilty of disobedience of orders; that the directors themselves were to blame in forming and encouraging a plan of conquest on the Malabar coast; and that Mr. Hastings, in commencing and pursuing the Mahratta war, had not disobeyed orders, but had conformed to the views of the directors: that Mr. Hastings nevertheless was greatly to blame for violating the treaty of Poorundur. On the truth of these assertions the learned gentleman challenged me, and declared himself ready to meet me at any time and on any ground."

I must confess, Sir, that this language, especially from the learned gentleman, appeared to me very extraordinary. I hardly ever heard any thing with greater surprise. He has employed himself near two years together with infinite industry and toil in an inquiry into the abuses that prevail in the Company's service. He has published the result of his labórious investigations in many folio volumes, which I verily believe no man in the kingdom has read but myself. The present Bill, of which the learned gentleman is *prochien ami**, if not parent, supposes wilful disobedience in every department of the service; the constant complaint of the directors has been that their orders are not obeyed; and finally, the right hon. gentleman who proposes the Bill, particularly urged and insisted on the necessity of conquering a spirit of resistance universally prevailing among the Company's servants in India. On any other presumption the clause would be superfluous. In the face of all this evidence and authority the learned gentleman gravely assures the House that there have been no examples of disobedience, or that the instances, if any, have not been material. He calls upon his opponents to come to particulars, and then he shall know where to grapple with them. Sir, I will not weary the House with a multitude of quotations from the Company's records: they are filled with the very proofs and examples which the learned gentleman calls for. Setting aside orders indifferent to the servants abroad, and which, of course, they had no motive to disobey, and setting aside orders which were capable of being converted to some purpose of their own,—for these they have obeyed not only with exactness but ostentation, I affirm that, so far from its being difficult to find instances of disobedience, the difficulty would be, to point out an order of the directors that ever was regarded. The India Company little know

* A term used in law for him who is the next friend or next of kin to a child in his nonage.

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in what sort of estimation their directors are held in India. But it is proper I should encounter the learned gentleman on his own ground. Let him ask the directors what they think of the following examples. They are not mere facts, for which excuses or pretences might be invented, but formal acts of disobedience, deliberately avowed and defended on principle.

The first is the well-known case of Mr. John Bristow, who had been recalled by Mr. Hastings from his station at Lucknow, without any charge whatever against his conduct, and whom the directors repeatedly ordered to be re-instated. Your select committee have reported to you in what manner those orders were regarded. The general ground taken and avowed by Mr. Hastings was, that the orders in question invaded his prerogative, and he should be degraded by obeying them. The second is the case of Mr. Francis Fowke, which has also been fully reported to you by your select committee. This gentleman was recalled from Benares by Mr. Hastings, who declared that there was no charge, nor the slightest imputation of a charge against him. The directors repeatedly ordered him to be re-instated, but to no purpose. In their letter of the 27th of May 1779, they say, "We have read with astonishment your formal resolution to suspend the execution of our orders relative to Mr. Francis Fowke; your proceedings at large are now before us; we shall take such measures as appear necessary for preserving the authority of the court of directors, and for preventing such instances of direct and wilful disobedience in our servants in time to come." On this occasion, the principle maintained by Mr. Barwell was, that "he must decline an acquiescence in any order, which had a tendency to bring the government into disrepute." If the learned gentleman says, that these are instances of no great moment, I shall leave him to settle that question with the directors. Instead of combating his opinion, I shall take the liberty of asking him, whether he seriously means to refer it to the Company's servants to determine, whether the orders they receive are material or not. If he does, I can venture to assure him that the latitude he allows is sufficient to answer all their purposes, and that they are not so unreasonable as to desire any greater.

The business of contracts alone has opened a wide and fertile field of disobedience. The fundamental principle laid down by the Company was, that all contracts should be annual; that the government should advertise for proposals, and always give a preference to the lowest bidders. These rules, I presume, would be deemed unexceptionable, if they did not limit the patronage of men in power in India, or the profits of their friends. Mr. Hastings and Mr. Barwell gave all the contracts to persons of their own choice, on their own terms, for five years instead of one, and without advertising for proposals. I beg the learned gentleman will attend to what the directors themselves have said upon the subject. In their letter of the 23rd of December 1778, among many other observations, they say, Par. 59. "This waste of our property cannot be permitted. You have disregarded our authority, and disobeyed our orders, in not taking the lowest offers. 77. In order to prevent the Company's money from being thus given away in future, we positively direct, &c. &c. 99. With these materials before you, the question is put, whether the contractor's terms, or the proposals of Mr. Johnson, shall be accepted: Mr. Francis, in strict conformity with the Company's orders, and according to established usage, was of opinion, that the contract should be advertised. Mr. Barwell thought the present contractor had, the preceding year, by making low proposals (to use his own phrase) ejected Mr. Johnson, in hopes of obtaining future indulgence, and therefore he could not hesitate to give his vote for Mr. Johnson. 100. However strange Mr. Barwell's motive for giving his vote for Mr. Johnson may appear to us, we must confess, the governor-general's reasons for concurring therein were still more extraordinary. His words are, 'I disapprove of publishing for proposals; this contract is reduced too low already, and will require a vigilant attention to it on the part of the commanding officer of the corps of the army, that it may be duly performed;' to which he adds, 'that according to the best information he had been able to obtain, little profit would be made by the contractor, if he did his duty.' 101. But although the governor-general has thought proper to express so direct and pointed a disapprobation of the mode adopted and positively enjoined by the Company for conducting so great a branch of their affairs as that of the army contract, we nevertheless adhere to the propriety of the court's orders,"

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&c. If this part of the subject should be thought to require any farther proof or explanation, the records of the India House will furnish it in abundance. If the learned gentleman be still dissatisfied, if he still has any passion for combat, I shall leave him to grapple with the court of directors.

I do not perfectly understand the learned gentleman, when he says in the same breath, that Mr. Hastings is not answerable for the second Mahratta war, "though he was greatly to blame for violating the treaty of Poorundur." The breach of the treaty and the war are one and the same act. When he broke the treaty, he created the war. But it seems, he did it in compliance with instructions from the court of directors. Had that been the fact, it would have redounded to the credit of Mr. Hastings, if, in that instance, he had treated their orders with the same disregard which he did in every other. He would then have had the real merit of supporting the permanent fundamental principles, the wise pacific policy of the India Company, against an incidental order from a fluctuating direction. But it is not so. Sir, I am not a professed advocate of the court of directors, and they are very well able to defend themselves. In this instance, however, it is but justice to them to say, that they have not been justly accused. First of all, let us consider what the Company's acknowledged system is. If I am not very ill informed, the learned gentleman himself has heretofore declared, that their written instructions would compose a perfect code of political wisdom.

In the very first article of their general instructions to Bengal, dated the 29th of March 1774, they say, "We direct, that you fix your attention to the preservation of peace throughout India, and to the security of the possessions and revenues of the Company." In their letter of the 15th of December 1775, they say, Par. 4. "We disapprove all such distant expeditions as may eventually carry our forces to any situation too remote to admit of their safe and speedy return to the protection of our provinces in cases of emergency. 5. We also utterly disapprove and condemn offensive wars; distinguishing, however, between offensive measures unnecessarily undertaken with a view to pecuniary advantages, and those which the preservation of our honour, or the protection or safety of our possessions, may render absolutely necessary. 6. The attention paid by the majority to the tenor and spirit of our orders on this subject, is highly agreeable to us; and it is our most positive direction, that no deviation from those orders be permitted, but upon the most urgent and absolute necessity, as that alone can justify a departure from them; for the prospect of any advantages, however alluring, can in no wise be adequate to the pernicious consequences which must result from examples of disobedience to our orders. 7. The sentiments expressed by the majority, in the thirty-sixth paragraph of their address, coincide exactly with our own; their determination to endeavour to maintain peace in India, and vigorously to defend our possessions and allies, cannot be too much applauded: we therefore strictly enjoin every member of our council to concur heartily in such measures as may be necessary for accomplishing these desirable purposes. 8. We have already in our letter of the 3d of March 1775, expressed our extreme concern in finding that our arms had been employed in conquering the Rohilla country for Sujah Dowlah, and disapproved the measure; and we have no reason to alter our sentiments respecting that transaction." In their general instructions to the commissioners appointed in the year 1769, they say, "In all your treaties with the country powers, you are to take care that they be so framed, as neither immediately nor eventually to engage the Company in any disputes between those powers." These documents, out of a multitude, are sufficient to establish the general views and principles of the court of directors. With respect to the particular point in question, it happens that they gave a particular injunction. In a letter of the 4th of July 1777, they say, "Though the treaty (of Poorundur) is not on the whole so agreeable to us as we could wish, still we are resolved strictly to adhere to it on our parts." If the directors could have been mad enough to send out orders to set aside those which I have recited to the House, deprivation of power would be but a small portion of the punishment their conduct would deserve.

A word or two of personal application to the learned gentleman, and I have done. I have observed with concern that his mind is not so perfectly free as it ought to be from uneasy sensations. He is conscious that, amidst contending parties, he has done his duty impartially; that in speaking

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of Mr. Hastings, his language had been exactly balanced between condemnation and applause; that he never said that Mr. Hastings was either a very good man or a very bad man; meaning, as we all do, the political principles of the governor, not the moral character of the man; and that having pursued this middle, even course, without the smallest inclination to either side, he had not had the good fortune to satisfy any body. This indeed is too often the lot of moderate men in violent times. But I have great pleasure in being able to assure the learned gentleman that his lot is directly the reverse of what he thinks it. Instead of pleasing nobody, he has had the wisdom to observe a conduct, by which every individual of every party has been gratified in his turn. I shall contribute to the public service if I can assist in relieving him from this ill-founded apprehension. He cannot be disturbed in his application to business without injury to the public: to remove one half of his apprehensions I need only read to him some of his own resolutions regarding Mr. Hastings, which I dare say he has totally forgotten. "Extracts from the Resolutions of the Committee of Secrecy, 28th May, 1782. Resolved, 18. That the resolution of the majority of the supreme council, on the 2d of February 1778, which, by the death of colonel Monson, was now decided by the casting voice of the governor-general, had a strong tendency to a renewal of the Mahratta war. 35. That the instructions and powers given to colonel Goddard by the supreme council, on the 5th of April 1779, fixed on them, from that time, the chief direction and responsibility of the war with the Mahrattas. 39. That it must be reckoned among the many additional mischiefs which have arisen chiefly from this improvident war with the Mahrattas to the Company's affairs, that the military force of the Carnatic had been weakened by reinforcements sent to the Malabar coast; that the Bengal government have been under the necessity of supporting on their confines the army of a power, confederated however involuntarily, against them; that they have been obliged to sue for the mediation of the same power, (the rajah of Berar) have submitted to a refusal, and purchased at least an uncertain, because apparently an unauthorized treaty, on most extravagant and dishonourable conditions, with his son, Rajah Chimnajee; and finally, that being burthened with the expenses of a variety of distant expeditions, while their allies are in distress and their tributaries under oppression, there is also an alarming deficiency in their own resources of revenue and commerce, by the accumulation of their debt and the reduction of their investment. 40. That the attempt made by the government-general in the month of January 1781, to form an engagement of alliance offensive and defensive with the Dutch East India Company, by the means and upon the terms stated in the proceedings of their council, was unwarranted, impolitic, extravagant, and unjust. 42. That the government of Bengal had been previously in possession of a letter from the duan of the rajah of Berar, containing overtures for mediation for peace and alliance with the Peishwa, and that this material information was wholly suppressed by them in their dispatches to the court of directors, but a copy of it was sent by the same conveyance to the private agent of Mr. Hastings; and that in thus neglecting to make immediate communication to the court of directors of such important intelligence, the government general appear to have failed in an essential part of their duty. Resolved, That Warren Hastings, esq. governor-general in Bengal, and William Hornby, esq. president of the council at Bombay, having in sundry instances acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company, it is the duty of the directors of the said Company to pursue all legal and effectual means for the removal of the said governor-general and president from their said offices, and to recal them to Great Britain."

This, Sir, I conceive, is not the language of a man very much decided in his opinion, or who hesitates between the extremes of censure and approbation. If it be, I should be glad to know in what terms the learned gentleman would express himself when he seriously intended to condemn? I can assure him, that I am not acquainted with any man so hostile to Mr. Hastings as not to be contented with this description of his conduct. So peremptory and decided is the condemnation expressed in these resolutions, that several of my friends in India concluded they had been drawn up by me. Knowing nothing of the state of men and things in this country, they drew their conclusion from the knowledge they had of my opinions,

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and from that very character of decision which is stamped on the face of the resolutions, and which the learned gentleman thinks it prudent to disclaim. The fondness and applause with which he has lately spoken of Mr. Hastings, have completely reconciled him to that gentleman's friends. All parties now have been satisfied in succession; and in this sense I confess the learned gentleman has been impartial. His censure and applause are distributed with an equal hand, and so the account is balanced. I told my Indian friends in return to their letters, that I indeed had no concern in the matter, but that the business was happily undertaken by a man of great industry, of eminent ability and unexampled perseverance, who, I was sure, would carry it through. Of his industry and ability my opinion is the same; but I am forced to acknowledge, that perseverance such as his is not without example. Other men are obliged to employ their talents in one line, and direct their efforts to one object; and even with this limitation it is well if they succeed. The learned gentleman's abilities are not so narrowly confined. He carries the application of them to every extreme, and equally succeeds in exerting them in every direction.

Mr. *Wraxhall* was sorry to see the sanction of the legislature given by the Bill to an institution, big, in his opinion, with pernicious consequences; he meant the supreme court of judicature at Calcutta. He referred to the condemnation thrown on that court by the select and secret committee. He regretted that their opinions should be so much contradicted by the present Bill. He mentioned Mr. Hastings's able, judicious, and salutary conduct, in stopping the violent proceedings of that court, which was on the point of involving Bengal and all our dominions in civil war.

The *Solicitor General* defended the supreme court of judicature at Calcutta; declaring that upon the whole he was convinced the institution of that tribunal had been attended with beneficial consequences. He also answered Mr. Wraxhall's question about Ireland, and assured him he might let his alarms subside for the matter alluded to, viz. the sending over a power to examine witnesses, was a very common case. He took notice of what Mr. Francis had said of the trial of Messrs. Stratton in the King's-bench, on the subject of the imprisonment of lord Pigot. He differed completely from the hon. gentleman as to that trial. It was in his mind an instance rather that a jury could err, than that the court had done wrong in passing so light a sentence. The evidence was so equally balanced, that had he been a juryman, he should have been more puzzled than ever he was in his life, which way he ought to have decided how the verdict should go. With regard to the new judicature, and the complaints some gentlemen made, that it was not to be a trial by jury, he begged the House to recollect, that it was not barely the being chosen by lot that made a juryman; as essential a characteristic was his going into his box, and remaining there locked up till he had given a verdict: and the reason of this being deemed so important a part of the constitution of an English juror, was its keeping him a distinct member of society for the time, and preserving his mind fixed to the merits of the case before him, and free from prejudice of any kind. Now it did so happen, that in all human probability the trials of offenders of a description that came within the purview of the Bill would last more than one day. Let gentlemen therefore ask themselves, if common jurymen were fit to have such causes brought before them? A man who might go into a common alehouse pending a trial, and make a porter-club conversation of the evidence before him, surely was not a fit person to be the juror of such an important subject. The necessity of the case then proving such that a new tribunal must be instituted, the question merely was, what sort of a court should be constituted? The sort of court the Bill authorized was, in his mind, that of all others the most respectable, most informed, and most to be relied on for candour, liberality and justice.

Major *Scott* said:—I rise merely to make a few observations upon two or three of the clauses which have been mentioned by the hon. gentleman on the floor (Mr. Francis). The first clause he has remarked upon, is that which enjoins the directors to fix a fair and equitable tribute to be paid in future by the several rajahs, zemindars, and landholders in India. Sir, I highly approve of the wise and humane spirit which breathes through this clause: but surely the hon. gentleman does not mean to say, that in no possible case we shall exact beyond a certain stipulated sum from the rajahs or zemindars. The hon. gentleman knows that remissions of

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rent are frequently granted, either from a dry season or floods, or various other causes, which may tend to diminish the annual crop. By the constitution of that country, a war raging there, or any other public calamity befalling the government, may justify it in demanding exactions beyond the stipulated rent of the land. The hon. gentleman has alluded to the case of Cheyt Sing; but he knows, that by the constitution of the Mogul empire, Cheyt Sing, and his father, Bulwant Sing, not only paid the stipulated annual rent for their zemindary to their former sovereign, Sujah Dowlah, but whenever his forces took the field, they either joined their quota of troops to his army, or they commuted the service by the payment of a sum of money.

When intelligence of the war in Europe was received at Bengal, the supreme council, of which the hon. gentleman was a worthy member, determined to increase their army by considerable levies, and they thought it equitable to impose upon Cheyt Sing his proportion of this additional expense. In this resolution the hon. gentleman concurred, and it was fixed at five lacks of rupees; nor was it then conceived that this demand was not in strict conformity to the constitution of the Mogul empire. The demand was repeated the two following years, and enforced by military execution. Intelligence of this demand, and of the measures taken to enforce it, was regularly sent to the court of directors, and of course communicated to his Majesty's ministers, without producing a word of disapprobation. To this demand, Sir, we may fairly attribute the revolution which subsequently happened at Benares: but though the secret committee, in their sixth Report, did mention these transactions in their general detail of the events which happened in Bengal, yet they did not seem to think the conduct of the supreme council to Cheyt Sing reprehensible, for they merely relate the facts in their reports, and though the hon. gentleman has been able to quote some resolutions of censure against the governor-general of Bengal, the additional demand upon Cheyt Sing for the increased military establishment, neither excited the censure of the secret committee, the court of directors, nor the legislature, until accounts were received of the arrest of the person of Cheyt Sing, and the subsequent events at Benares.

The next clause relates to presents. They are now ordered to be abolished; and the only consequence that will follow will be this, that the Company in Bengal will pay 8 or 9,000*l.* a year more than they now do, under the head of Durbar charges. The hon. gentleman knows very well, that when he first arrived in Bengal, Mr. Hastings took the sense of the board upon the subject. They directed, that as the executive officer of the government, he should continue to receive those complimentary nuzzers, and carry them to the Company's account, which he has invariably done, and they have been set against the expenses incurred under the head of Durbar charges and secret service money.

Another clause, which the hon. gentleman approves, and in which I heartily agree with him, is that which condemns all schemes of conquest and extention of dominion; and he has taken an opportunity of going pretty much at length into the Rohilla war. Sir, the Rohilla war was not Mr. Hastings's war. The foundation of the Rohilla war was laid in measures which Mr. Hastings had no concern in, and disapproved. Mr. Hastings's plan was that of peace and economy; but before he succeeded to the government, the commander in chief, sir Robert Barker, had actually ordered the frontier brigade to march into Sujah Dowlah's country, to assist in repelling an invasion of the Mahrattas, and he was guarantee to a treaty concluded between Sujah Dowlah and the Rohillas, by which the latter were engaged to pay the former forty lacks of rupees, should the Mahrattas be driven out of their country, which they had then invaded, or had threatened to invade. Sir, it was this treaty which produced the Rohilla war. Our part of the engagement was faithfully performed: but the Rohillas refused to pay the forty lacks; they attempted to explain away that treaty of 1772, to which the general was guarantee, and the Rohilla war was the consequence.

The next point is the Mahratta war; and I confess I am perfectly astonished, when I hear gentlemen who have had complete information before them, impute that war to Mr. Hastings. I am sure I can appeal to the noble lord in the blue ribbon, who knows every step taken in India and in Europe which produced the war. The noble lord must recollect the intelligence which was transmitted by Mr. Elliot to Mr. Hastings and sir John Clavering. The noble lord must know, that

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with that information before Mr. Hastings, confirmed as it was by the appearance of M. de Saint Lubin at Poonah, who publicly delivered a letter to the Peishwa from the French king, and intelligence also from various other channels, it would have been criminal not to have acted. Sir, it was avowedly to counteract the designs formed by the French, that Mr. Hastings proposed originally to support Ragoba; and he was fully warranted to do so by the Company's orders. I beg to call to the recollection of the House what was the consequence of those measures when they were known in England. The designs of marching a detachment, of counteracting the designs of the French at Poonah, and of supporting Ragoba, were known in England the latter end of July 1778. In the following month the secret committee of the court of directors, with the approbation of his Majesty's ministers, transmitted orders to India, in which they say, that the conduct of their governments respecting the French had their fullest approbation. In a subsequent letter, the directors expressed their approbation of the march of the Bengal detachment across the continent of India. With the full knowledge of these facts, knowing, too, that since they were public in England, the noble lord has three several times proposed Mr. Hastings to be continued governor-general of Bengal, and the legislature has three several times appointed him to that high office; I say, Sir, with a knowledge of these facts, how the noble lord, or any other gentleman conversant in the affairs of India, can now blame Mr. Hastings for the part he took in the Mahratta disputes, is to me most astonishing; it is still more so that any gentleman can say, who has read any thing which has been written on the subject, that Mr. Hastings was the author of the second Mahratta war.

Mr. *Sheridan* remarked, that if gentlemen on either side of the House went from the question, and were only mindful of charging persons in India with peculation and defending their own conduct, or proving that, although they had been delinquents, there were still greater than themselves, there would be no end to the business, and the House would refer the hearing to a new judicature, as well as their trial; therefore he hoped to hear no more deviations, but that gentlemen would stick to the question and point out their objections to the Bill, and not to the persons that had been the occasion of its being made. He then noticed, that the Bill had been so altered, so mangled, and so transformed, that it did not appear like the same Bill. As a proof that it was necessary to re-commit the Bill for the honour of the House, he read a part of one of the clauses, wherein a dead person was to to give an account how he came by certain papers. He also read a variety of other clauses, and pointed out wherein they were worded so as, in his mind, to be perfect nonsense; and declared, that he never would consent to suffer the first principles of the constitution to be violated to answer any expediency whatever: but probably the reason of instituting a new court of judicature was to give employment to the right hon. gentleman (Mr. Dundas) and some others, whose places, by their own accounts, were sinecures; therefore it was on the principle that mothers gave playthings to their children, merely to keep them out of mischief; if so, he had no objection, and made not the least doubt but strict justice would be done, as their integrity had been tried on other occasions. He particularly pointed out the absurdity of a clause relative to the secret council, and remarked that the whole Bill evidently appeared as if the two contending parties, the crown and Company, had endeavoured to over-reach each other. The Company remonstrated against the first Bill, because orders were to be transmitted to India without their consent, and insisted on the right of some of their directors being acquainted with all matters before they were dispatched; to please them, the right hon. gentleman had suffered them to have a secret committee of three directors; but the Company were not a bit nearer, for those three directors were sworn not to divulge any thing done in council; of course they must cut a ridiculous figure, for they might be present at a court of directors, and see and hear measures carrying on, and regulations making, diametrically opposite to what they knew had been determined on in council, and by their oaths were debarred from giving any other information than a nod or a wink across the table, or a grave shake of the head, to intimate they knew something which they dare not divulge.—He dwelt much on the rapacity and other improper conduct of Mr. Hastings being all forgiven in the present Bill; but that, he said, was a matter which Mr. Hastings's India parliamentary interest, no

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doubt, insisted upon, and which a minister depending on such men did not dare to refuse. He adverted to the new court of judicature, which took away from British subjects the trial by jury, and in so doing overturned the principle of the constitution. Here he was remarkably severe on the minister, who, under colour of saving the charters of a company of men, that all the world allowed to have acted dishonestly, subverted the very foundation-stone on which the great Magna Charta of their country was built, and did a deed which paved the direct road to the establishment of arbitrary power in all the dominions of Great Britain. This, he said, was modern popularity. He attacked the minister for daring to say that this Bill was acceptable in India. This he argued on two points: if it was agreeable to the delinquents, it certainly must be a bad Bill; and on that point the minister could gain no credit. The fact, however, was not so. He referred the House to a petition which lay on the table from 648 of the principal persons residing in Bengal, beseeching the House, by all that they held most dear, not to violate the constitution, by so dreadful an Act of parliament, as one for taking away from British subjects the right of being tried by their peers. This pure spirit of rectifying the ancient chartered rights of the people would no doubt extend itself in time to every part of the English dominions, and trial by jury be taken away from all his Majesty's subjects in every part of the globe. He said, that the Indian phalanx, those Swiss guards of Eastern peculation, had openly declared, that they would overthrow the last administration, and by doing so, teach another how to value and respect their friendship; nay, these eastern lords went so far as to declare that the depravity of this country was now arrived to such a pitch, that they could carry any point by money. He concluded with a reliance on the candour of the minister, that he would re-commit the Bill, that it might be divested of its slovenly dress, and made conformable to common sense, even if the principles were to be divested of common justice.

Mr. *Grenville* said, he had listened with the greatest attention to the speech of the hon. member, but though he had been highly entertained by it, he certainly had not heard a single argument to convince him that the Bill ought to be re-committed; for though he had displayed great ability and ingenuity, he had proved only that two trifling alterations ought to be made in the wording of the Bill; such for instance, as that 'from time to time' should be changed to 'forthwith,' and 'detained' should be altered to 'continue.' But from this very circumstance of there being only two very trifling alterations to be made, he was thoroughly satisfied that there was no necessity for sending the Bill back to a committee, when these alterations could so easily be made in the House. Indeed, from all that had fallen from the hon. gentleman, he could clearly perceive that though he seemed to object principally to the clauses, yet in fact it was the principle that he had been combating all the time.

Lord *North* declared he was very much surprised to hear the right hon. member say, that the hon. gentleman near him had proved nothing more than that two alterations in the wording of two clauses ought to be admitted; for his part, he thought he was bound to declare, in justice to the hon. member, that he had used the most convincing arguments to prove that the Bill ought to be re-committed. It would not have been any great wonder, if, from the infirmity usually ascribed to him (lord North), he had sunk under the heat of the weather and fallen asleep. He was too short-sighted to be able to see whether those on the bench opposite to him had been asleep or awake; but he most assuredly would take it for granted, that the right hon. gentleman must have been asleep while the hon. member was speaking, or he never would have ventured to assert, that no arguments had been used to prove the necessity of re-committing the Bill. He confessed that in arguing for the re-commitment of a bill, the principle of which he so very much disliked, he stood in rather an awkward situation; and the more so, as he would candidly confess, that let ever so many alterations be made in the Bill, unless the principle from beginning to the end should be given up, it never should have his support. However, though he should rejoice at the rejection of it, still if he should not be able to persuade the House to throw it out, he felt it to be his duty to do every thing in his power to remove it from imperfection as far as he could. With this view then he wished it to be re-committed: it went a bad Bill into the committee, and it came a worse one out of it. He lamented that the restrictions which the Bill in its origi-

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nal form laid upon the East India Company had been removed: in its present shape, it gave not to the executive government of the country a greater power than it enjoyed at this moment to superintend and control the affairs of the Company; except therefore the clashing of jurisdictions which the Bill would establish, and the seeds of division which it would sow, it would make little or no alteration in the controlling power over the Company's affairs which the Secretary of State was vested with at that moment.

But in thus generally condemning the Bill, he did not mean to say there were not some good clauses in it; in his opinion there certainly were; but they required in some places elucidation, in others modification, and therefore the Bill ought to be re-committed. The vesting the control in a board of commissioners was certainly better than leaving it in the hands of the Secretary of State; the former, by having no other business to attend to but that of India, would of course be able to do their duty better than a Secretary of State, who having a multiplicity of other business to engage his attention, could not bestow so much time on the affairs of India as their importance would naturally call for: but still he thought the clauses relative to the commissioners were very imperfectly drawn: and first, with respect to the president of the board; in the absence of the Secretary of State, who could not be a very constant attendant; and in the absence of the Chancellor of the Exchequer, who could attend but seldom; in such cases the Bill said the senior privy counsellor should preside: now as it was not seniority that ought to be deemed the best qualification for the chair of that board, so he thought that the name of the ablest of the commissioners should be put in the commission immediately after those of the Secretary of State and the Chancellor of the Exchequer; and that the person so named after these officers of the state, should in their absence preside at the board. Every man knew who the privy counsellor at the board would be in the first commission (Mr. Dundas), and every man bore testimony to his abilities: but every future senior privy counsellor at that board might not be equally able; and therefore he was of opinion, that the inconvenience that might arise from such a circumstance ought to be obviated in the clause.

As the Bill then stood, no member of the lower House was to be laid under the necessity of vacating his seat, if appointed a member of the board of control: this might be very proper as long as the commissioners should remain without salaries; but as the crown was not bound to salaries in future, so it would be very proper to insert a clause for obliging the commissioners to vacate their seats in that House, if ever their places should have salaries and emoluments annexed to them. These were reasons which weighed very much with him for re-committing the Bill. He did not expect that much attention would be paid to the wishes of the gentlemen who sat on his side of the House: unlike the East India directors, they were not able to overturn an administration: unlike these same directors, they were not able to make another ministry recede from their own plan, and give up their own original system; and therefore in opposition to such formidable men, he foresaw that he should not prevail in endeavouring to get the Bill re-committed; and yet there was one very strong argument for re-commitment, which ought to have weight with men of unbiassed judgment. The Bill was in a great measure a new Bill, and a long string of clauses had been tacked to it at a time when there were not many more than a dozen members in the House; and those clauses related principally to the establishment of a tribunal, which was to wrest from Englishmen what was their dearest birth-right, the trial by jury; if he had no other objection to the Bill, this alone would be sufficient to make him declare war against it; for no Bill should ever be supported with his vote, by which the trial by jury was to be taken away from those who claimed it as their birth-right. But exclusive of this, he had other radical objections to the Bill. The very grounds on which it was built were these—that the servants of the Company abroad had disobeyed the orders from home; and that the directors had not sufficient powers to enforce obedience: and yet the very servants who were supposed to have been most disobedient, were not to be called to an account; and the directors, instead of being armed with new powers, or made subject themselves to strong powers, were to be left just as they were before; and he would venture to say that the orders from home would in future be very little more attended to than they had been hitherto. For his part he sincerely lamented that some more effectual

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system was not adopted for the government of India: one administration had been overturned (perhaps justly) in attempting to lay the foundation of an active and effective government of the territorial possessions: the succeeding ministers seemed to be afraid to undertake so great a work; and yet the circumstances of the times would warrant such an undertaking by them. There seemed to be a strong disposition in the three branches of the legislature to support the present ministers; he would be candid enough to own, that the popular voice was strong in their favour; this therefore was surely the best time for them to lay the foundation of a system which should secure at once the happiness both of the natives of India and of Great Britain. He was sorry to say that the Bill before the House was far from being likely to produce any such effects; and he thought he might venture to foretel, that the commands from home would not be better obeyed after the passing of this Bill than at present.

Mr. *Pitt* said, he must agree with his right hon. friend that he had not heard a single reason from the hon. gentleman for re-committing it: the hon. member had indeed entertained the House with observations calculated to turn the Bill into ridicule, but had not assigned one strong ground in favour of a re-commitment. There were, indeed, a number of literal inaccuracies, and perhaps grammatical errors; but surely that was no reason for re-committing the Bill; for these errors could be easily rectified by the House. But he would ask what was likely to be gained by a re-commitment? The hon. gentleman and some of his friends had acted the preposterous part of debating the clauses before the Bill was sent to the committee: and of afterwards debating the principle, when the clauses only were under consideration. It was clear, therefore, that nothing would be gained by a re-commitment, as the principle, and not the regulations, would be made the subject of debate in the committee; if he was sure of gaining a single vote by gratifying the other side of the House, he would not oppose their wish on this occasion; but he apprehended it was only for the purpose of delay that a re-commitment was called for, in order to afford an opportunity to somebody, who, for some days past, had not attended in the House, and who had that day thought proper to oppose the Bill by proxy. [Mr. Fox was not then in the House.] The noble lord, indeed, had spoken in a fair, open, candid, and manly way; he had declared, that he would be an enemy to the Bill, whatever alterations it should undergo, as long as it retained the principle on which it was founded. But what was this principle to which the noble lord declared himself the sworn enemy? It was simply this: that the East India Company was not to be annihilated; that its rights were to be respected; and that no encroachment was to be made upon them, which was not called for by absolute necessity. He did not, indeed, wonder that a Bill which contained such a principle, should not meet the approbation of a noble lord, who was a member of that administration which brought in that sweeping Bill that was to have annihilated the Company. An hon. member disliked the Bill, because the directors were to be left at liberty to remonstrate with the controlling board. Strange! that men should be angry that a right was reserved to a body of men to deliberate upon their own affairs, to reason with the commissioners, to remonstrate with them on points which should nearly concern their dearest interests. But if it was a bad principle to preserve to the Company this right, of which they could not be deprived without a violation of natural justice, he should ever rejoice that he could not bring himself to give it up. In this Bill there were two parties, whose rights and interests were to be considered; to another Bill also there had been two parties, the Company and the ministry; but so far was it from being in the contemplation of the late servants of the crown to manage the interests of both, that the ministers were to have built their own greatness on the ruins of the Company; the latter was to have been totally destroyed, in order that ministers should be powerful and independent of every power in the kingdom. The noble lord had said, that the wishes of the directors prevailed much stronger with the present ministers, than the wishes of a considerable number of the members of that House: perhaps the assertion was well founded; but it was no difficult matter to account for the preference given to one body over the other: the directors were deeply interested in the regulations of the Bill; they had a great stake in the business; and they had assigned very good reasons for the alterations they had prayed for and obtained: but it was not so with the gen-

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tlemen opposite; they called for a delay, not for the purpose of amending a Bill, which in general met their approbation, but for the purpose of gaining time, in hopes that they might be able to defeat it. They wished to speak to any thing rather than to the Bill; and therefore they introduced a conversation about the Mahratta war; and the noble lord had amused the House, and made the members laugh heartily, by using the comical names of the princes of India. But should he be inclined to accede to a proposition for recommitting the Bill, he was not sure that he should have the assistance of the noble lord; for if a day or two hence the weather should prove a little warmer, the noble lord's infirmity might possibly return upon him, and he might perchance sleep the whole time the Bill should be in that committee, to which he was desirous it should be sent. He was therefore of opinion, that as all the necessary alterations might easily be made in the House, and that sending the Bill back again to the committee would not be attended with any advantage to it, he was for having the amendments agreed to without a recommitment.

The question was at last put on the motion for reading the amendments, which was carried without a division.

Mr. *Sheridan* then said, that as the House had determined not to send the Bill back to the committee, he could not proceed to those alterations which he would have thought it his duty to have offered if it had been re-committed: he declared his object was not to gain time, but in reality to move such amendments as to him appeared absolutely necessary. The right hon. gentleman had said, that the Company had assigned good reasons for the alterations they had required: he made no doubt but they must have assigned very convincing reasons indeed, to make the right hon. gentleman give up almost the entire principle of his Bill, and bring it out of the committee as different from what it was when it was committed, as an effectual differed from an ineffectual control; indeed, the right hon. member was in the right for saying that he had had good reasons for the alterations: he had only to look about him, and he might see himself surrounded with reasons strong enough in all conscience to make him stand well with persons who had overturned the administration, and were powerful enough to make their successors feel they were mere creatures of their own hands, which, as they set them up, might pull them down again; it was therefore very prudent and politic in the right hon. member to call the Bill brought in by his right hon. friend a Bill for establishing a system of plunder and despotism; such hard words would please the committee beyond description, and secure to the right hon. member their support, and consequently his present situation.

Lord *North* observed, that as the House had determined to go on with the amendments that night, he might possibly trouble them at four o'clock in the morning (it was at this time about eleven) with a few motions for amendments: if he was inclined to give unnecessary trouble, he had it still in his power to prevent the right hon. gentleman from carrying his Bill through that night; for first, as there were about 102 amended clauses in it, he could first decide upon the amendment in each clause, and then upon the whole clauses so amended; and he fancied that by the time he should have divided the House 204 times, gentlemen would be rather tired of the business; and after all those divisions, he had still 24 new clauses to debate upon: however, he desired gentlemen would not be alarmed, for he certainly would not divide the House on all the amendments; he mentioned the circumstance rather to shew what he might do, if he was inclined. But before he sat down, he begged leave to tell the House a short story, which would make them feel the absurdity of the arguments drawn from the supposed desire of the East India Company, that the alterations that had been made in the Bill should take place. During the war before the last, a Dr. Hensey was indicted for high treason, being charged with having adhered to the king's enemies, by sending them intelligence during the war. The Doctor was convicted; but before judgment was pronounced, he implored the court to grant him a few weeks to live, in order that he might settle some wordly affairs, and afterwards prepare for eternity. The court lending a favourable ear to the Doctor's prayer, asked the attorney-general on what day he wished to have judgment executed? The attorney-general, willing to accommodate the Doctor, replied, "on whatever day should be most agreeable to the Doctor." Dr. Hensey, of course, named a distant day, and the consequence

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was, he never was executed.* [His lordship was obliged to stop for some time, while the House laughed at his story.] He then made the application. The directors of the East India Company, he said, saw very clearly that the day was not far distant when their power over the executive government of India must have an end, by the interposition of the legislature: they, however, threw as many obstacles as possible in the way, in order to put off that disagreeable event to as remote a day as possible; it was very natural, then, that with this object in view, they should beg of the minister to give way for the present; like Dr. Hensey, they called for a long day; the minister, as complaisant as the attorney-general in the Doctor's case, replied, "Gentlemen, name your own day; your power shall die on the day that it will be most agreeable to you to lose it." The Company thus carried their point, and were to enjoy their forfeited power (and which had been forfeited only because it had been abused) just as long as they should please to keep it.

The House then spent some hours in going through the various amendments; after which they adjourned.

July 28. After a variety of business had been gone through, at eleven o'clock at night the order of the day was read, for the third reading of the India Bill.

Mr. *Burke* rose. He said, that before the House proceeded to the order of the day for the third reading of the East India Bill, he begged leave to submit a few observations to their consideration: at so late an hour as eleven o'clock, he did not mean to go at large into the merits of the Bill; but he could not help saying that it was very singular it should contain no preamble, on which the necessity and principle of the Bill were founded. A former Bill which his right hon. friend had brought in, contained a long preamble, a narrative of the principal grounds on which it was founded; but the present Bill seemed to set at defiance the voluminous Reports that the labours and industry of several gentlemen had produced; for it was framed in such a manner, that must convince every thinking man that no credit whatever was given to these Reports. Of the Bill, he must say, that if it was meant as a remedy, no mention was made in it of a defect which was to be remedied by it; and therefore no one could say whether it was an adequate remedy or not; if, on the other hand, it was admitted that such evils as had been pointed out in the Reports really existed, the Bill contained no remedy at all; on the contrary, it confirmed all the causes of the calamities in India. The Reports accused the Company's servants abroad and the directors at home; the former of rapacity and disobedience of orders, the latter of countenancing these servants, by suffering them to disobey and plunder with impunity; the Reports pointed out the necessity of removing and recalling those disobedient servants; the Bill went to confirm them in their government: the Reports stated, that the government of the Company at home was weak and impolitic; the new Bill left the government in the same hands. It was impossible that all this should have been done, unless the minister in the House of Commons had been of opinion with a great law lord in another place, that these Reports of the select committee and committee of secrecy were mere fables. For his part he was ready to declare, that if they were filled with falsehoods, they were bold and daring calumnies; and he himself was a bold calumniator of characters, that deserved the greatest praise. He wished to have an opportunity to determine this fact, whether the Reports spoke truth, or were infamous libels on the characters of innocent men: those who thought them libels, would rejoice at proving it to the world; and therefore they would not refuse the trial they now called for. He was ready to maintain the truth of these Reports; and if he failed in any one part, he would consent to be thought the greatest calumniator in the world. All he wanted was to have the truth or falsehood of the charges in the Reports fully ascertained; those who would oppose the investigation, would justly be deemed desirous of avoiding a discussion, which, by proving that the Reports were founded in undeniable facts, would demonstrate the futility of the present Bill, which, so far from providing a cure for any evil, was calculated to confirm and make perpetual the calamities under which the unhappy natives of India actually groaned. The Reports consisted not merely of charges unsupported by evidence; for every charge

* For the Trial of Dr. Florence Hensey, see Howell's State Trials, Vol. XIX, p. 1341.

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there was a voucher, taken from the Company's own records, which nothing could controvert.

He was not surprised that reports of the last parliament should be disregarded by the present; but he was truly astonished, that the result of inquiries undertaken at the express desire of his Majesty in his Speech from the throne two years ago, should be treated with so much disrespect by those who held in high veneration every thing that in any degree related to majesty. He was not less astonished to hear that a learned gentleman, who had been president of the secret committee, had, with the utmost philosophic composure, heard his labours reviled; and those very Reports which did the very learned gentleman so much honour, treated as fables and unfounded charges. He was surprised to find, that the same learned gentleman, who had himself moved for the recal of Mr. Hastings, had since declared in full parliament, that this very man, whom he would have recalled as the cause of the calamities of India, had many virtues. The private virtues of a public man were not fit subjects for discussion: it was not of any consequence that Mr. Hastings was a good father, husband, son, or brother; but it was of great importance that he should be a good governor; and if he was a bad one, it was not the domestic virtue of a man that ought to shield from punishment the plundering and exterminating governor. He was ready now to go into the proofs of all the charges contained in the Reports against Mr. Hastings; all he looked for was an opportunity to maintain them in the face of the House and of the world; those who would shrink from the inquiry, would shew that they were afraid to touch upon a subject that would demonstrate the absurdity of a Bill, which left in the hands of men, both in India and England, a power which they had hitherto most shamefully abused, to the disgrace of this country, the ruin of the Company, and the plundering of the unhappy natives of Hindostan. The learned gentleman would, perhaps, be afraid to find refuted his assertion, that Mr. Hastings had been wrong only in breaking the treaty of Poorundur. The House would judge between him, who wanted nothing more than to have an opportunity to go into the proofs of every charge contained in the Reports, and those who would shun and avoid inquiry.

He then made some remarks on that part of the new Bill which relates to the establishment of the court of judicature for the trial of East India delinquents. He observed, that there was an obscurity on the very face of it: first, the very idea of a judicature must be founded on the commission of crimes in India; and yet as the Bill was prospective and not retrospective, those persons who had been the delinquents were not to be brought to trial; nay, they were to be continued in the exercise of that power which they had hitherto used only to plunder and exterminate the people. By this Bill, the ancient inquisitorial powers of the House of Commons were taken away, their right to order prosecutions annihilated, whilst, at the same time, they were to be vested with judicial powers unknown to the constitution of the House of Commons. They could no longer order the attorney-general to prosecute an East India delinquent: they must now wait until the King's-bench should order the prosecution; and then they must become what the constitution never intended they should be, judges of the law and of the fact. He concluded by moving, "That the House on Monday next do resolve itself into a committee, to inquire into the facts contained in the Reports relative to the misgovernment of India."

Mr. *Dundas* said, that the hon. member not having been in the House when he had spoken of Mr. Hastings, had been grossly misinformed with respect to what he had said of that gentleman. He never said of him that he had many virtues; it was of little consequence to the public what were his private virtues: what he said of him was, that he was a mixed character, in which much good and much bad was to be found. He never said that he was wrong only in breaking the treaty of Poorundur; for he certainly was to blame for many other things: but the man who could not see the features of a great statesman in the negociations for the late peace, must shut his eyes to truth and to conviction. As to the Bill which the hon. member had so much blamed, he thought it would be productive of the most salutary consequences; and he was sure he did not innovate upon the constitution, in making the House of Commons exercise judicial powers; for it had always been in the practice of using such powers, and very lately in the case of sir Thomas Rumbold. He concluded with moving the order of the day.

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Mr. *Burke* wished the learned gentleman joy of the mixed character, under the favour of which he was endeavouring to make a retreat. For his part he would not build a golden bridge to facilitate the escape; on the contrary, he would hiss at, and revile an enemy who could think of making a retreat. He wished the learned gentleman would be so obliging as to mention some of the actions of Mr. Hastings, in which he could discover good: and probably he would be able to attach guilt upon these very actions which the learned gentleman could extol as proofs of merit. Would he say, the merits of Mr. Hastings consisted in the extermination of the Rohillas, where that humane governor spared neither man, woman, nor child; where the heads of the unfortunate men were torn from their bodies, while the famished women were crawling through the British camp, to implore the comfort of a little rice? And when the humanity of colonel Chapman revolted at the horror of such spectacles, and would have relieved them, the generous tender-hearted Mr. Hastings blamed him for his sensibility? Did the goodness of the governor-general consist in his treatment of Cheyt Sing, of the mother of that prince, or of the other princely matrons, the most illustrious of Asia? Did it consist in the destruction of the country of Benares, one of the loveliest spots in the universe; where, according to the testimony of the officer who commanded in chief, and who was ready to declare it at the bar of the House, he could not find an uncultivated spot large enough for a single battalion to encamp on, so great was the cultivation and fertility of the country; a country which now lay one entire waste? Did his goodness consist in the extermination of the Rohillas, whose country he had left a wilderness, without inhabitants or cultivation, after having been such a continued garden, that the commanding officer used to march his men in single files, for want of sufficient path or uncultivated land broad enough to march a greater number in front?

As to the judicature, he maintained that it was a complete innovation on the constitution of the House of Commons; for though in its sovereign and legislative capacity, in conjunction with the other two branches, it had frequently passed bills of pains and penalties, still these were acts of sovereign power, and not dispensations of judgment or expounding of law. He made no doubt but what had been said in former debates was true, that the persons who were the causes of the erection of such a tribunal, would rejoice in its establishment; every criminal would rejoice at an institution, from the sword of whose justice he himself was to be secured. The daring highway robber in Newgate would have no objection to the erection of a judicature which was not to inquire into his past offences: the insinuating pick-pocket would rejoice in the same circumstance, and the plundering house-breaker would hug himself on the prospect of escaping under such a tribunal. Here Mr. Burke broke out into the following apostrophe: "Forgive me, O Newgate, if I have thus dishonoured your inhabitants by an odious comparison: your highwayman, who may have robbed one person on the highway, ought not to be compared to him who has plundered millions, and made them feel all the calamities of famine. The murderer, who may have deprived an individual of his life, would be disgraced by a comparison with him who has exterminated the inhabitants of whole kingdoms. The house-breaker is a harmless creature: when compared to him who has destroyed the habitations of millions, and left whole provinces without a house."

He concluded by saying, that he had no personal cause of dislike to Mr. Hastings; he felt no prejudice against him: on the contrary, when he sat in the select committee, he felt a strong prepossession in his favour, from the lofty panegyrics he had heard of him; so much so, that the friends of sir Elijah Impey had upbraided him with being greatly partial to the governor-general. If that partiality was now no more, it was because it had been rooted out by the discoveries he had made in the Company's records, while he sat in the select committee. All he wanted was, that the House would give him an opportunity to defend the Reports, and to make good all the charges they had brought against the governor-general. Since he saw he was not likely to obtain that, he would not say any thing more against the Bill, but simply enter his protest against it in the name of the injured natives of India, whose grievances were to be inquired into, and redressed by those who had occasioned them.

The question was then put upon the motion for the order of the day, which was carried; and Mr. Burke's was of course rejected. The order for the third reading

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of the India Bill was then read: after which the Bill was read a third time, and passed.

Tax on Coals.] July 7. Mr. Chancellor *Pitt* called the attention of the House to a subject which had a good deal engaged their attention, and the attention of the public without doors, he meant the tax on coals, which he had proposed last week. When he had first mentioned the tax, the House would recollect that he had expressly stated, that if a tax upon coals, not brought into the port of London, could be so laid as to avoid its operating either immediately or by its effect to the prejudice of our manufactures and to the detriment of the national interests, he should be of opinion that such a tax was an advisable one: this opinion of his remained unaltered; but from the information he had been able to collect upon the subject, he found men's minds so adverse to the tax, and that it would be necessary to make such an infinite variety of exceptions and regulations in order to prevent it from having an injurious effect on one or other of our manufactures, that he thought it more expedient to abandon the tax, than to endeavour to adopt the variety of modifications of it that had already appeared to be necessary. Having, therefore, taken his resolution to give up the tax on coals, he thought it his duty, as early as possible, to signify the same to the House. But while he declared that he abandoned the tax, he meant not to be understood as having abandoned the principle of it; to that he still adhered; remaining perfectly persuaded, that if means could be found to modify the tax in the manner that he had mentioned, it would be a good one. Having consented to give up this tax, it would be his duty to substitute another, in order to provide an adequate sum to the deficiency that the loss of the proposed tax would occasion; and he relied upon the good sense, the wisdom, and the liberality of that House, for support. He concluded with saying, that he should take a very early day for proposing the tax to be substituted.

Sir *John Wrottesley* returned his thanks to the right hon. gentleman for what he had just said, and acknowledged the very handsome manner in which he had conducted himself all through the business. Sir John declared, he had that day received several letters from his constituents, full of alarm, in consequence of their having heard of the tax that had been proposed to be laid upon coals; and he had not the smallest doubt but that the alarm would have spread throughout the kingdom, had the right hon. gentleman persisted in his intention.

Sir Elijah Impey.] Mr. *Burke* desired the resolutions the House had come to in 1782, for the recal of sir Elijah Impey and Mr. Hastings, might be read. This having been complied with, Mr. Burke said, a right hon. gentleman had just received much eulogium for having abandoned a purpose which he had originally proposed, and he abandoned it professedly because he found his purpose to be impracticable: in like manner, he rose to state to the House, that he should abandon any farther pursuit of measures against sir Elijah Impey, and that for the same reason as that assigned by the right hon. gentleman, viz. because he found it would be impracticable for him to pursue any. But he did not intend to propose a substitution for what he abandoned; and therefore, as he was not about to follow the right hon. gentleman's example in all its parts, he presumed he should not share in all the glory that had attended it. Having said this, he reminded the House, that the resolutions he had just had read, originated in the proceedings of the secret and select committees; that one of them had been moved by sir Adam Ferguson, and the other by general Smith, neither of whom, greatly to the loss of the public, were now in parliament; but as it was well known that he had taken an active part, as a member of the select committee, it might be thought that he would pursue what they had begun, and therefore he rose to signify that he abandoned all thoughts of so doing, from a conviction that it would be impracticable. He had read, he said, in a report of what had passed in that House, on a day when he was not present, that the right hon. gentleman, when he announced the arrival of sir Elijah Impey in England, lamented the absence of some person concerned in proposing the resolution for his recal. As he might as well be that person as any other, he wished to know whether the right hon. gentleman had announced sir Elijah's arrival as a minister, or by way of feasting the House with a piece of news. If he had done it with the latter view, he must tell the right hon. gentleman it was no news to him, for he had heard it before; but if he had given

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the information as a minister, that gave the business a very different complexion. Mr. Burke then proceeded to argue, that it was rather the duty of the minister, as the minister, and representative of the rest of the King's servants, to enforce the resolutions of that House respecting sir Elijah, than that of any individual member of parliament. He said, the committee and the House had laid the grounds of the proceeding, and it became the minister so far to fall in with the sense of the House, as to take up their resolution and act upon it. The resolution stated a charge, and that charge called for trial. Perhaps impeachment before the House of Lords was the proper process; if so, with what hopes of success could he, an individual, venture to go on, when the person likely in that case to be the judge, a man high in abilities, high in situation, high in every respect, had expressly declared, that "with respect to the Reports of the select committee of the House of Commons, he regarded them no more than the history of Robinson Crusoe?" Thus had that nobleman, who was to be the judge, prejudged the cause, and declared his mind to be poisoned upon the subject.

Lord *Mahon* called Mr. Burke to order. His lordship said, he held it to be disorderly for any member to repeat the exact words that had been spoken in another House of Parliament. If the hon. gentleman persisted in such a practice, he would have recourse to a similar practice.

Mr. *Burke* said, with a smile, the noble lord was perfectly welcome, *petimus damusque vicissim.* In order to accommodate himself to the order of the House, however, he stated what had been said by lord Thurlow in a speech before Christmas in the House of Lords, upon the first reading of Mr. Fox's East India Bill, as words spoken in a coffee-house, and thus proceeded to comment upon those parts of that speech in which the learned lord had defended and extolled Mr. Hastings, at the same time that he had reprobated the conduct of those who had printed the reports of committees of the House of Commons, and sold them as pamphlets, in order to run down the governor-general's character. Mr. Burke said, by comparing the reports of the select committee to the history of Robinson Crusoe, he presumed the learned person meant to describe the Reports to be fables. He could hardly mean more; nor did he suppose, though Robinson Crusoe was held in disrespect in another assembly, that every *Robinson* was equally disesteemed there. [A laugh.] After some pleasantry, Mr. Burke urged Mr. Pitt to take up the business, and expressly declared that he had no personal enmity to sir Elijah Impey; to his knowledge he had never seen him; he wished him well; it was his public conduct solely that he regarded; it had fallen to his lot to say a good deal, both relative to sir Elijah and Mr. Hastings, but it had been to their actions only that he had spoken: he had nothing to say to the virtues or vices of any man; it was enough for him that their actions called for animadversion. He concluded with repeating his position, that as sir Elijah stood charged in the resolution of that House with having been guilty of a breach of duty in office, it was the peculiar duty of the minister to conduct the prosecution against him.

Mr. *Pitt* thought it his duty to declare to the House, that sir Elijah Impey, who had been recalled from India by his Majesty, in consequence of an Address of that House, was arrived; but he begged leave to decline the honour of being substituted as sir Elijah's prosecutor; the business was in better hands.

Debate in the Commons on the Bill for the Prevention of Smuggling.] July 12. The House went into a committee on the Bill for the Prevention of Smuggling.

Mr. *Eden* observed, that as he found many very considerable alterations in the Bill, which would make it differ very much from the form in which it was originally brought in, he ventured to suggest, for the consideration of the committee, the propriety of admitting for the present, without debate, the different alterations that the minister might think it convenient to propose; that the chairman should then report progress, and ask leave to sit again; and that in the mean time the Bill should be printed with the amendments; gentlemen would then have time to consider the nature of the amendments with that attention which was due to so important a business, as was that of introducing new restrictions upon the subject, though for the laudable and necessary purpose of crushing the ruinous system of smuggling.

Mr. Chancellor *Pitt* approved of the suggestion. He did not wish to hurry the House to adopt without the most serious consideration the alterations that he intended to propose in the Bill; and therefore he would not object to the chairman's re-

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porting progress, and the Bill being printed in the mean time. The principal alterations he intended to propose were, first, with respect to the four seas, and next with respect to the size of the vessels, which in certain situations should be made liable to seizure. He was of opinion that to subject to confiscation vessels that should be found, in the circumstances described in the Bill, within the four seas, would be a very effectual way to check smuggling; however, in compliance with the wishes of some gentlemen, he was willing to depart from that expression, as it then stood in the Bill, because it appeared to them to be too indefinite; and instead of it he would adopt the principle of the hovering Act, by which vessels hovering about the coast, within the distance of two leagues, are liable to confiscation: he meant to extend the principle in its operation, and to make the distance from the shore, within which the vessels might be seized, four leagues instead of two.

Mr. *Wilberforce* agreed with his right hon. friend in most of the provisions of his Bill; but there was one to which he never could subscribe, and that was, that the owner of a ship should in all cases indiscriminately be obliged to answer for the attempts of the master of the ship or the mariners to smuggle. He had no objection that the owner should be made to answer in all cases, in which it should appear that he was privy to the misconduct of the master and mariners; but he could not consent that a valuable ship should be confiscated, when it should appear to the satisfaction of every impartial man, not only that the owner was not privy, but that in reason he could not be deemed privy to the smuggling practices of the master and mariners. In order to elucidate this, he supposed a case of a ship worth 40 or 50,000*l.* the cargo included, on board of which should be found a quantity of spirits exceeding, by a few quarts, two gallons per man for her company; in such a case it must strike every man that the owner would not for a few gallons of spirits run the risk of having such a property as his ship and cargo confiscated. What he wished therefore was, that in such cases, if spirits to so small a degree beyond the quantity allowed for the use of the ship's company should be found in the ship, as should satisfy every honest man that these spirits must be the venture of the master or mariners, and not of the owner, that in such cases the ship and cargo should not be confiscated, but that the master and mariners should be solely responsible for their own misconduct. According to the laws now in being, the innocent were most preposterously subjected to punishments in these cases, while the really guilty persons escaped with impunity. He was aware that some rigorous measures must be adopted to check the alarming growth of smuggling, and therefore he had no objection that the confiscation of ship and cargo should take place on every occasion where there should be found such a quantity of uncustomed goods on board as might fairly be presumed to have been put there on the account, and for the benefit of the owner; but he would subject the mariners and masters only to punishment in all cases in which it should appear that the owner, unless out of his senses, could not be thought to have any knowledge of the few articles of uncustomed goods that should be found on board his ship: and in order to shew that he meant nothing more than this, he would only propose that no vessels under the burthen of 100 tons should be freed from confiscation in such cases as he had alluded to.

The *Solicitor General* could by no means approve of what the hon. member had suggested: it would be a departure from a fundamental principle of law, the expediency of which had been recognised in all ages, "that a master ought to be responsible for the conduct of his servants;" and if parliament should once depart from that principle, it was impossible to foresee where the abuses and frauds would terminate: in the cases alluded to by the hon. member, the owner might give secret orders to the master and his mariners to smuggle small quantities; and by promises of indemnification, persuade them, in case of detection, to say that the uncustomed goods found on board were on their own account, and not on that of the owner: if, therefore, the hon. gentleman's proposition should be adopted, the guilty owner would be enabled to preserve his property, and the innocent mariners would be punished. If any certain quantity should be mentioned, any thing beyond which would subject the ship to confiscation, it would be deemed tantamount to a license to carry the quantity so specified, which in the first instance would be an evil, and in the second, would be made a handle for smuggling almost with impunity; for then a large vessel, the cargo of which might originally have

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consisted wholly of uncustomed goods, might discharge part here and there along the coast, until at last the cargo might be sweated down to the precise quantity specified in the Bill, and then the ship would be out of the danger of confiscation. If, as the law now stood, a prosecution should be commenced for the confiscation of a large ship on account of an insignificant number of gallons of spirits, the officers of the crown and the court of Exchequer would sufficiently discountenance it; and it would be a difficult matter to set a jury that would find for the crown. It was not till within these four months that he had had an opportunity to be a witness to proceedings in revenue causes in the court of Exchequer, but in that short time he had seen enough to convince him, that if the laws were not very strict, they would most certainly be evaded; for there was an astonishing disposition in tradesmen, even of the best reputation, to evade the duties: he had that day convicted some persons, who had a house of the first name in the distillery business in Bristol, who had the meanness to pick off the plates of the padlocks put upon their warehouses, which the excise officers were authorized to do by law, that the distillers might not be able to work, except in the presence of the officers: these people had been this day convicted in the court of Exchequer, of having picked off the plates of the padlocks, in order that they might get false keys made for them, by which they would be able to unlock their doors, and go to work unknown to the officers. He had known others, who had run the greatest risks, merely to save so small a sum as 60*l*. He hoped, therefore, that if gentlemen wished to preserve the revenue, they would not insist on making the master and mariners, and not the owner, responsible for any uncustomed goods that might be found on board. In such a case as the hon. member described, the equity of the court would perhaps save the owners harmless; but even if his own proposition were adopted, there would still be as great ground for hardship as before: for instance, suppose the owner should not be answerable, except when the quantity of spirits on board his ship exceeded 60 gallons: suppose there should be 62 gallons on board, the hon. gentleman would then exclaim, what a hardship here is that a valuable ship and cargo should be forfeited for so paltry a quantity of spirits as two gallons! The line could not be drawn; and therefore it would be best not to attempt it.

Mr. *Atkinson* objected to the clause, as pernicious in the extreme to the commerce and navigation of the kingdom. He said, that House, and indeed the legislature in general, had gone on making regulations and revenue laws for many years past, with a view to prevent smuggling, without even considering that there was such a person as a fair trader in existence; hence the various laws that had been enacted for the avowed purpose of defeating the ingenuity of those who, by illicit practices, endeavoured to defraud the revenue, were in effect so many traps and snares set for the fair traders, and might be regarded as stumbling-blocks placed in the way of commerce and navigation. He said, the severe restrictions that trade and commerce laboured under, were but of modern invention. In order to shew the validity of this assertion, he traced the several laws now in being on the subject of smuggling, one by one, till he came to the 19th and 21st of the present King, which he described as the most severe upon the merchant of any that had yet passed. The statute of Edward 3, that had formerly been pleadable in relief of the ship owners, had been since contracted by so many acts of parliament, that it was no longer to be relied on, as a safe protection against improper seizure of ships. That statute expressly declared, that vessels having no more than a small quantity of spirits or tea on board, over and above the legal quantity, should not be forfeited or confiscated; but the opinions of men differed much about the present effect of that law; by some it was deemed obsolete, by others as done away entirely by statutes subsequently passed. He shewed the wantonness of the law in making merchant ships of large tonnage liable to all the severities of the smuggling laws, when it was notorious that smuggling was not carried on in ships of that size or description. He declared, that the restrictions of late years imposed on commerce, was an injury to navigation and trade, ten times greater than any benefit the revenue could be supposed to receive from these restrictions.

Mr. Alderman *Watson* also opposed the clause, as extremely detrimental to commerce. He stated the case of a merchant in America, who had as little design or intention to smuggle as the chairman of the committee, but who would have had

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a most valuable vessel seized and confiscated, in consequence of the second mate having put on board a single hogshead of tobacco without the knowledge of the master, had he not bribed the officer to betray his duty. He also stated another case of a cargo of ginseng shipped from Quebec, and which, as no such article was to be found in the book of rates, was to be entered and paid duty for *ad valorem*. It was entered, through mistake, under the name of a peculiar drug imported from Africa; and it having been found to have been entered falsely, was seized, and 50*l*. demanded by the seizing officer by way of composition, although the whole cargo of ginseng was not worth more than 70*l*.

Mr. *W. Stanhope* reprobated the clause in very severe terms. He contended, that the laws against smuggling were the direct reverse of what they ought to be; for they had, as past experience proved, turned out so many fetters forged for the purpose of shackling commerce, while smuggling throve under them. We had of late years multiplied restrictions upon trade, and it was on all hands agreed that there was more smuggling than ever.

The *Attorney General* said, the present subject of consideration was not, whether the clause was a right one in principle, because the principle already existed as law; but merely, whether it was wise to extend the hovering laws to four leagues, instead of letting their extent remain limited to two, as they stood limited by the Act passed four years ago. He said, no ship seized with a small parcel of tea, or a small quantity of spirits on board, had been confiscated under the present clause, nor was it likely that any ever would. The extreme difficulty of obtaining a verdict for the crown in the court of Exchequer, might make the minds of gentlemen perfectly easy in that respect.

Mr. *Baring* complained of the clause, as injurious in the extreme to the fair trader. He had read the Bill over attentively, and, looked at as a law against smuggling, he considered it as mere waste paper, though it was fraught with much ground of objection with regard to its effect on commerce. Mr. Baring stated a case, where a merchant shipped some casks of Woolwich sand to be made use of in a manufacture in America; the custom-house officer mistook it for fullers earth, on the discovery of an attempt to export which, the ship containing it is not only liable to confiscation, but heavy penalties attach on the master, owner, &c. The ship was seized, and security to the amount of some thousands were obliged to be given, before the vessel was suffered to proceed with the sand. Mr. Baring declared that he had left off all concerns with shipping, and never would engage in that branch while a principle like the principle of the clause in discussion was suffered to remain on the statute book. He pointed out the infinite disadvantages under which a private merchant defended a cause against the crown in the court of Exchequer; in the first place, the crown paid no costs, and in the next, two guineas a man were always given to the jury, when they found a verdict for the crown, and only one guinea when they found for a defendant.

The *Attorney General* rose to remove the impression so violent a mis-statement of a matter of fact might occasion in the minds of the public. It never, he said, had been a rule for the attorney-general to order a jury of the court of Exchequer two guineas a man when they found for the crown, and only one guinea when they found for the defendant. The practice formerly had been for the crown to give a special jury of that court always two guineas a man; and when the irksomeness of the causes tried in the Exchequer, and the time they took in hearing, were considered, he thought the sum perfectly reasonable to be given; but on account of the popular clamour raised by it, the custom had lately been abandoned, and now a jury never had more than one guinea a man, which in his conscience he thought they dearly earned. The consequence of the reduction had been, that it was with extreme difficulty they could get a special jury to attend; he therefore declared, that he should not be at all adverse to reviving the practice.

Mr. *Beaufoy* said: Though I have the greatest respect for the sentiments of the learned gentleman, and though my mind is impressed with the fullest conviction that all which is new in this Bill will deserve, with very little alteration, the concurrence and support of the committee, yet I cannot but think that to the first clause of the Bill, the principle of which is certainly not new, many just and forcible objections may be made; and indeed my constituents, with whose opinion I entirely concur, have instructed me to protest against the injustice of those particular regulations which the first clause

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proposes to continue and extend. To be convinced of the hardships of those regulations, it is sufficient to know, that they subject to the same penalties persons of opposite characters and of totally opposite interests; the owners of vessels employed in the smuggling trade, and the owners of ships engaged in a fair and regular commerce. That they are persons of opposite interests and opposite characters, I have no doubt of being able to prove, notwithstanding the conclusion of a learned gentleman, who spoke early in the debate, a conclusion as candid as it is logical, that because he knew a rich distiller in Bristol, who was an unfair manufacturer, that therefore every merchant in the kingdom must be a smuggler. The traffic in which a smuggling vessel is engaged, is undoubtedly a perpetual violation of the law; an illicit trade is the object, not of the masters and mariners alone, but of the owner himself, when he sends the vessel to sea. In this case, therefore, that forfeiture, both of vessel and cargo, which the clause in question prescribes, cannot be thought unjust; for not the master and mariner alone, but the owner himself, is deeply involved in guilt. The owners, on the contrary, of such vessels as are employed in a regular commerce, cannot wish that their ships should be engaged in any illicit trade; they cannot wish to wage war with the government of their country; for on the protection afforded by that government the very existence of their commerce must depend. If, then, a seaman should privately convey on board a few pounds of tea, or a few gallons of spirits, the sailor is guilty, the master may be culpable, but generally speaking, the owner himself is entirely innocent.—Hence it unavoidably follows, that the forfeiture of the vessel and cargo, which in the case of the smuggler is perfectly equitable, because the owner is guilty, would in this case be contrary to all justice, because, though the master and the mariner may be guilty, the owner himself is innocent.

In reality, Sir, as the law now stands, no situation can be more distressing than that of an honest owner of a vessel; for the revenue laws are calculated not to protect his property, or encourage his commerce, but to harass his trade and endanger his fortune. The very same law (that of the 19th of the present King) which declares that his vessel and cargo shall be forfeited if a single pound of tea, or a single gallon of spirits, more than the legal allowance to the seamen, shall be found on board, that very same law declares, that the penalties upon the master shall not be incurred unless the illegal quantity of goods on board amount to 100lbs of tea, or 100 gallons of spirits. Thus a single pound of tea is deemed a sufficient reason for ruining the innocent owner, but nothing less than one hundred times that quantity is thought a sufficient reason for punishing the negligent, or perhaps wilfully offending master. Another law there is, that of the 21st of his present Majesty, which, if posssible, is still more irrational and perverse; for whilst it pretends to give the owner a remedy in cases of forfeiture against the master and the mariners, it annexes to that remedy an almost impossible condition, which is, that the owner shall prove that the master or the seamen not only received the goods on board, but secreted them there.

Indeed the very principle of this law is strange and extravagant; for if the owner of the vessel be a party to the fraud which occasioned the forfeiture, how absurd is the law that gives to an offender a power to levy a fine on the associates and partners of his guilt; if, on the other hand, the owner be innocent, how unjust is the law which makes the previous ruin of an innocent man the condition on which alone the guilty shall be punished. To say the truth, Sir, injustice is the very principle on which the whole system of our smuggling laws is built; for it makes the owner of a vessel responsible for the conduct, not of the master alone, but for that of every seaman on board; it makes him responsible for the conduct of men, of whose offences he is guiltless, and over whose actions he can have no possible control. Injustice is indeed so entirely the principle of our smuggling laws, that in the first place they create the offence, and in the next they declare, that he who is not guilty of that offence shall be punished for him who is. What should any of us say if our stables, or any of our other buildings were liable to forfeiture, because a weekly labourer, hired by the steward, had concealed in those buildings a few pounds of tea, or a few gallons of brandy? how should we exclaim against the injustice of punishing us for the offences of a man whose actions we cannot control, and whose misconduct, therefore, we had no power to prevent? Yet to this very injustice every ship owner in the kingdom is at this hour exposed.

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A learned gentleman has said, that the statute of the 27 Edw. 3, protects the property of the owner from the hazard of being forfeited by any private act of the mariners; for that statute declares that the vessel shall not be confiscated for a trifle brought into the ship without the privity of the master. But surely, Sir, it is impossible for the learned gentleman who fills so high a department in the law, not to know that the act of Edw. 3 can give no protection to any vessels but those which are outward bound; for in that reign all the customs of the kingdom were customs outwards, and of course it is to the forfeiture of ships for the non-payment of customs outwards, and to the forfeiture of those only, that this Act can possibly relate. Upon the ground of his own argument, therefore, is evident, that ships homeward bound are liable to forfeiture from the private act of the seamen; and even with regard to vessels outward bound, the construction of the law is exceedingly dubious; for the judge, whenever he pleases, is at liberty to consider the Act of Edward 3 as repealed by the positive words of later statutes.

But the learned gentleman has also told us, "that though the law be rigorous, its severity is softened by the practice of the courts." Now, Sir, what is this but to confess the injustice of the law; what is this but to say the law is so very oppressive, so very cruel, so very tyrannical, that the courts of justice refuse to enforce its execution? Surely, Sir, such statutes ought to be repealed, for while they continue in force, how precarious is the security of the subject! His property depends not on the law of the land, but on the discretion of the court: discretion is substituted for law, and when this is the case, who shall be sure that he is safe? Miserable indeed is the situation of that man, whose security depends on the mercy of the judge; yet deplorable as that situation is, it is at this time the situation of every ship owner in the kingdom. But while I reprobate the present system of our revenue laws, as from the strongest conviction I am compelled to do, I think it my duty to remind the House, that no part of the evils of that system are chargeable on the right hon. gentleman, who with so much advantage to his country has at present the conduct of her affairs. The two most irrational of the laws which constitute that system—I mean those of the 19th and 21st of his present Majesty, are among the baneful fruits of a former administration, whose existence this country will long have reason to lament. It is from an anxious desire to mitigate the injustice of those Acts, that I am led to give the utmost support in my power to the motion my hon. friend has made. I could wish, indeed, that the whole system of our revenue laws might be much more attentively examined than the business of the House, in the present advanced state of the session, will easily admit; for whenever that examination shall take place, it will be found that our statute books are disgraced by acts of parliament which extend the burthen of the law to thousands of persons that are not within the reason of the law. It will be found that most of our regulations are at the same time oppressive, yet ineffectual. It will also be found that some of our acts of parliament contradict the first principles of civil society, by annexing impunity to guilt, and punishment to innocence. When the House shall be informed of these things, I am confident they will feel as strongly as I do the necessity of adopting such measures as may reconcile law to justice, and acts of parliament to the practice of the courts.

Mr. *Pitt* said, he saw clearly, that if the advice of the right hon. gentleman, who opened the debate, had been taken, much time would have been saved, and a considerable deal of the objection that had been stated would have been found to be unnecessary; because, as the Bill stood at present, gentlemen argued in the dark, and there appeared to be reasonable ground for opposition in many places where the amendments intended to be made went to the removal of every possible ground of opposition. He hoped, therefore, the committee would consent to wave all farther discussion for the present, and let the blanks be filled up, in order that the debate upon the Bill might be taken, when all its parts should be more entire. Having said this, he proceeded to controvert many of the objections taken to the clause in question, and directed most of his arguments to the combating those of Mr. Wilberforce and Mr. Atkinson. He said, he by no means approved what had fallen from his hon. friend relative to the insertion of a clause, declaring that vessels should not be liable to seizure, on board of which only a small quantity of tea or spirits should be found over and above the quantity allowed by law. Such a clause would operate as a license for

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smuggling. Vessels laden with seizable cargoes were often long under pursuit previous to capture, and in the time they might either land, or throw so much of their cargoes overboard, as would reduce their quantity to the quantity which his hon. friend wished to declare liable only to the payment of treble costs. Again, the owners might carry on smuggling under the name and through the means of the master, agreeing to pay all his forfeitures. With regard to the principle of the clause being a new principle, the reverse was the fact. The clause created no new principle of law, it merely extended the present law by the difference of four leagues compared to two. Before he sat down, he acknowledged that if a clause prudently drawn could be inserted, authorizing some intermediate jurisdiction or other to declare between the seizure and the trial, that under particular circumstances the ship should be restored and the forfeiture ought not to be prosecuted, he should have no objection. But in managing so delicate a regulation, infinite caution would be requisite to guard against abuse on the one hand and oppression on the other. He flattered himself so serious a consequence as had been that day denounced by two hon. gentlemen, viz. the total destruction of commerce, and their abandonment of commercial pursuits, would not follow the passing of a Bill containing a clause like that so much debated.—After some further conversation, the committee consented to adopt Mr. Eden's first proposal of admittting the amendments *sub silentio*, and reprinting the Bill.

Election Writs.] Lord *Beauchamp*, in a short speech, stated his intention to move for leave to bring in a Bill for regulating the power of the Speaker, in regard to the issuing of writs for the election of members in cases of death during the recess of parliament. His lordship recited how that power at present stood, and said he wished to authorize certain commissioners to exercise the power now vested solely in the Speaker, either in case of his death or absence from the kingdom. The power he alluded to, was the power of directing the clerk of the crown to issue a new writ, on publishing a notification in the Gazette, that a certificate of the death of any member had been made to the Speaker by two members. His lordship said likewise, that he meant to move the repeal of the several acts of parliament which touched upon this subject, and to state the whole of their purport in this new Bill, so that the Speaker might have only one law to look to in future as the guide of his conduct in these particulars. He added, that he had turned his thoughts to another object, which however he submitted to the House with less confidence than the two former. What he meant was, whether it might not be advisable to shorten the time now limited for giving notice that a writ would be issued? As the law stood, gentlemen knew 14 days was the notice obliged to be given; whereas, during the sitting of parliament, any member might come down and move for a new writ, as a matter of course; he submitted it therefore to the House with great deference, whether a shorter notice than 14 days would not be sufficient. His lordship concluded with moving, "That the Acts of 10 Geo. 3, c. 41, and 15 Geo. 3, c. 36, be read." Which being done, he moved, "That leave be given to bring in a Bill to repeal part of the said Acts, and to substitute other provisions in lieu thereof."

Mr. *Jenkinson* said, he cheerfully seconded the noble lord's motion; and he rose the rather, as he was the person who had moved for leave to bring in one of the Bills now meant to be repealed. He approved much of the idea of comprehending all the regulations relative to the duty of the Speaker on the death of a member in one Bill; but he was not prepared to say he thought the last idea of the noble lord, that of shortening the time of notice, fit to be adopted.

The *Attorney General* was of opinion, that a power might be given in the same Bill to the Speaker to issue a writ, in case of a vacancy occasioned during the recess by a member's accepting of a place.

Lord *Mulgrave* opposed the proposition with regard to shortening the 14 day's notice.

Lord *Beauchamp* reminded the House, that he had not stated his idea of shortening the 14 day's notice, as a matter upon which he felt confidently. He by no means approved the suggestion of the Attorney General.

Sir *James Johnstone* would not consent to shorten the 14 day's notice.

Mr. *Dempster* said, he saw no reason why the Attorney General's proposition might not be adopted.

Mr. *Sheridan* wondered the hon. gentleman did not feel that it by no means became that House to facilitate its members

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in the obtainment of places under the crown. There was a manifest difference between a borough remaining unrepresented a short time, during the recess of parliament, and its continuing unrepresented while the parliament was sitting.

Leave was given to bring in the Bill.

Sir Richard Hill's Substitutes for the Tax on Bricks and Tiles] July 22. On the motion for going into a committee on the bricks and tiles tax,

Sir *Richard Hill* said, he did not rise to oppose this tax *in toto*, but he wished to see it made as unexceptionable and as little partial and oppressive as possible. And herein he was sure he met the wishes of the right hon. gentleman who proposed it, whose humanity and candour had been equally manifested in patiently hearing and sifting every objection which could be brought from any quarter against every article contained in his budget, in the opening of which he delivered himself at once with the feeling of a patriot and the firmness which became a Chancellor of the Exchequer. And whoever had seen such a *rara avis* as a minister giving the sum of 3,000*l.* a year in a manner out of his own pocket, in order that the same sum might revert to the public, would not easily be persuaded that such a minister did not feel for the public distress, and did not wish to exonerate, rather than to oppress, an already exhausted nation, of which, however, his character and abilities marked him out by the blessing of Providence to be the guardian, the deliverer, and the friend. Thus much he thought needful, and even just, to premise before he said any thing relative to the tax in question, which, as it then stood, must fall very heavy indeed on some particular counties, among which was that which he had the honour to represent, whilst at least half the kingdom would pay nothing towards it. To those counties, therefore, where brick and tile only were in use, it must be a grievous burthen, must prove very injurious to building in general, and what was worse, would soon be very detrimental to the cause of husbandry, by totally annihilating a set of men who had suffered very much already, by having their farms taken away from them, in order to lay them together into one great farm; for either the landlord or the tenant must be subject to repair, and it was certain that this tax would be a temptation to both to let the houses go to ruin. Sir Richard declared, he might suggest many more objections against the tax itself, but when he considered the state in which the right hon. gentleman found this nation, he would rather wish to furnish himself with arguments in favour of his taxes than against them. But he still feared that the modes of collecting this tax must be such as would render it odious, troublesome, and oppressive, to the greatest degree. For the duty must be gathered, either by counting the bricks before they were laid, or after they were laid, by measuring the work. In either of those cases great difficulties would accrue. According to the former plan, who was to count the bricks? Must an exciseman come upon our premises, overlook our workmen, and watch all our proceedings? Who did not say, 'I hope not?' Let them now suppose the tax was to be collected by measurement after the work was done. The same objection followed them, but in a much greater degree. Suppose a house out of repair, that it wanted a new chimney, wanted to be underbuilt, wanted to have several old bricks taken out and new ones put in; more especially, suppose it wanted a new floor, for the farm houses and cottages had almost all brick floors in some counties, how was such work to be measured; or, if it could be measured, who was to measure it? Was the officer of excise, Proteus like, to turn surveyor, and to do it? Was he not only to have access to out-houses, but to 'parlour, to kitchen, and all?' If so, a poor cobler had better go to France, and learn to make wooden shoes. They knew this tax was thought on by a former administration, but abandoned perhaps for the impracticability of collecting it.

It might be said, 'find a better tax.' He would not reply, by saying, 'find a worse;' for he was persuaded that the worthy right hon. gentleman found every thing so highly taxed before he had the management of public affairs, that there was in a manner nothing left for him to tax, unless he could find out a method of taxing the moon and the stars; for as to the light of the sun, it was already taxed twice over. Sir Richard said, he was observing to a worthy gentleman or two of that House, who sat near him a few nights since, that there was an annual period in which every simpleton in the kingdom became a temporary Chancellor of the Exchequer, and that was, when the taxes

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were in agitation. He should only add one to the number, by saying, that if the brick tax was given up, he had in his hand some substitutes, which he thought would be neither vexatious nor oppressive, which would be easily gathered, and not easily evaded, and which would produce 100,000*l.* The first that he should mention was a double Sunday toll, to be paid at all turnpikes throughout the kingdom. At present he believed this was confined to the environs of the metropolis, and brought in a vast sum; but if extended all over the nation, as there was as much travelling on Sundays as on any two days besides, especially near great towns, would be very productive indeed. Besides, the objections which were made on a former occasion against double tolls on all days, viz. that they would hurt internal commerce, had no foundation, if they confined them to Sundays, on which days there was an express act of parliament to prevent any waggons or carriages travelling for hire to be on the road. This tax, therefore, would affect no branch of commerce, but the flourishing one of Sabbath-breaking; and if it should keep a few ramblers at home, and send them to church, where would be the harm of it? At a very moderate computation, this tax would bring in 15,000*l.* a year. Secondly, he proposed a duty of 6*d.* per gross on corks. He was not so good a financier as to pretend to ascertain what this would bring in, but it would be something very considerable, and he believed would be objected to by none, except those who loved their bottle better than their country. Thirdly, a duty on shot, powder, guns, and pistols, except for the use of the army and navy. This he stated at 10,000*l.* Fourthly, a duty on pins, needles, black pins, and fans. These articles collectively might bear the same sum, viz. 10,000*l.* Fifthly, a duty on prints, from two pence per dozen to one shilling each, and upwards. Also on printed music, message cards, visiting tickets, and wafers. These he also put together at 10,000*l.* And when he considered that one print only, of some men riding on an elephant with an human face, brought, as he had been informed, to one shop only, near 300*l.* he certainly did not make his statement too high. Sixthly, all places of public diversion, including playhouses, operas, masquerades, Ranelagh, Vauxhall, Sadler's-wells, Astley's, Hughes's, *cum multis aliis*, throughout the kingdom. Where a shilling was now paid, to be advanced to 1*s.* 3*d.* which would make 3*d.* duty; and where 2*s.* 6*d.* to be advanced to 3*s.* and so on progressively, to be gathered by check tickets. These places, on a very moderate computation, would bring in 25,000*l.* This tax affected neither land nor trade; it oppressed neither the poor nor the industrious; it injured no business, but that of vice and idleness; and after all, it was perfectly voluntary, and took not a farthing out of any man's pocket, but what, by his very presence at the place, he tacitly acknowledged that he could very well spare. It might be unpopular among the dissipated herd, but it would meet the approbation of every man of sense, reason, and religion. Seventhly, a duty on clocks and watches: on the former a duty of 3*s.* each; on the latter, every one who wore a watch to pay 1*s.* yearly. If above the degree of a servant, 2*s.* 6*d.* This might also bring in yearly 10,000*l.* This tax, he confessed, was suggested to him by one of his worthy constituents, but not in the mode he had mentioned it. Eighthly, an additional duty on cards and dice, and a tax on all places for horse-races. This would certainly produce near 8,000*l.* Ninthly, a duty on ropes, twine, and packthread, except for the use of the navy; and if to these he added whipcord, when he considered in how short a space the noble lord in the blue ribbon consumed 300*l.* worth, those articles would cut no mean figure in his calculation, though he would not pretend to ascertain exactly what the whole would bring in. Tenthly, magazines and newspapers, the latter of which, he thought, would well bear an additional half-penny. But really, sir Richard said, this was so tender a point, and there were so many interested gentlemen who heard him in the gallery, that he would drop the subject. He was sure the members should be very cautious how they offended the newspaper editors, for they had them all under their thumbs, and he, as well as others, were often obliged to them for making them speak very manly, animated speeches, which within those walls they heard nothing of. However, if it would not look like countenancing the sale of them, he would have every Sunday newspaper pay an additional penny.

Having now gone through all that he had to offer on the subject, if he had dropped any thing which might have been of use, he was sure the right hon. gentle-

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man would condescend to pick it up, notwithstanding the insignificant quarter from which it fell. If not, he should look upon it as his duty to stand by him in those taxes he had proposed, that on bricks only excepted; for whatever else he might be doubtful about, this one thing he was sure of—and mark well his words! that if they withdrew their support from that right hon. gentleman, Old England and the young son of Chatham would fall together.

Mr. *Pitt* said, he had a due sense of the goodness of the hon. baronet in the hints he had given, and should undoubtedly profit by his suggestions; but at present, as the Bill was so far advanced, he thought it wiser to go on with that than to begin with any other tax. He declared, it had been in contemplation to alter the mode of laying the tax, and to endeavour to diffuse it more equally, but difficulties had occurred that rendered such a design for the present session impracticable. He wished gentlemen to hold in their minds, however, that such a diffusion was intended when it should be more consonant to convenience to carry it into execution, and that the tax as it stood, was evidently and undeniably partial.

Mr. *Hussey* declared, he had always thought the tax a bad one, and he knew no reason whatever for persisting in a tax avowedly partial. He stated, that in the city which he had the honour to represent, and in his neighbourhood, the houses were for the most part built of brick; but in counties at no great distance, no bricks or tiles were used. All the kingdom did not stand upon an equal footing, therefore, with regard to this tax, which he thought alone a sufficient reason for giving it up.

Mr. *Mainwaring* said, while slate and stone remained untaxed, the subject had a right to complain of the tax as a partial tax; but it was not on that account alone that he thought it objectionable. He disliked it, because all the money that would be raised by it, would not go to the public. The brickmakers, he understood, meant to put an additional impost of sixpence a 1,000 upon the tax; and as the legislature charged them a duty of 2*s.* 6*d.* per 1000 upon their bricks, they had resolved to charge their customers 3*s.* per 1000; the House would therefore see, that where the revenue received 50,000*l.* the public would pay 60,000*l.* He expressed a wish, that the tax could be collected in some other way than the one proposed. Why should that odious and irritating tax-gatherer, the excise officer, be employed? If measurement could have been adopted, he should have liked it better.

Mr. *Rose* said, the matter just stated by the hon gentleman had been taken into consideration; but after various meetings of the principal brickmakers, and a great deal of discussion on the subject, the trade themselves were of opinion that it was utterly impracticable. The evils it would lead to were equally numerous, and insurmountable. That, so well described by the hon. baronet, of the excisemen's entering private houses, and visiting the kitchen, the parlour and bed-chamber, and every room in the house, would not be the least.

Lord *Mahon* said, the argument just used by the hon. gentleman was the most weak, ridiculous, and absurd that could be advanced. He knew his hon. friend had too much sense to be of the opinion he had stated. He knew better, but his situation obliged him to hear the objections of other boards, which objections those boards picked up from their subordinate officers, and thus the nonsense arising from their ignorance came to be gravely stated as reason and argument in that House. Was there any difficulty in taking the tax by measurement? Not the least in the world; and as to the nonsense of an exciseman's visiting private houses, did not every body know it was the easiest thing imaginable? When a house was built, it was some time before the floors were laid, and a bit of wainscot put up. That was the time for an exciseman to come and measure the brick work; and where was the harm of his coming to visit the kitchen, the parlour, or the bed-chamber of an unfinished house? There was no difficulty in all this, and nothing but the ignorant petty exciseman, who wanted to save himself a little trouble, could have the presumption to state it as a difficulty. With regard to the tax itself, he disliked the principle of it. He knew that on account of the necessity of the times he must give his consent to many taxes, the principles of which he disliked; but the principle of this tax he disliked exceedingly. The objections that would lie against it were innumerable and insurmountable. It was partial and unjust. It bore most where it ought not to bear at all, and it did not bear at all where it ought to have borne most. The man who built a little mean out-shed, covered with the

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worst tiles, and tiles made of the basest materials, would pay more to it, than he who lived in a palace, built with bricks of the best materials, and covered with slates; because the baser the material the tile was made of, the more liable it was to break and to grow out of repair. With regard to the mode of collection, it was worse than the tax; but it was the contrivance of those who wished to multiply officers, and extend the influence of the crown. As an enemy to the influence of the crown, he could not but be an enemy to the tax. He reprobated the nonsense and ignorance of those who held subordinate offices under government. Their folly, he said, disgraced his right hon. friend, who had an excellent head himself, but who was obliged to adopt their stupid objections, and to accommodate their idle and groundless difficulties. Another objection to the tax that he felt, was, he disliked a tax on houses, as houses were too much taxed already; and they had that session been sufficiently taxed, in addition, by the new tax on windows, which would fall most heavily on the public.

Mr. *Pitt* rallied his noble friend, complimenting him ironically on his animated speech, observing, that it was much to be lamented that the board of excise and customs did not center in the noble lord: till that was the case, and till they had some person who, with a voice of equal authority, could tell a revenue officer, when he was stating his practical objections to any measure, directly and unreservedly that it was all nonsense, and that the difficulties he mentioned existed only in his ignorance, he feared things must go on as they were; that whoever trusted to his own sagacity alone, and to his separate reflections upon any tax, would find himself miserably deceived when he came to carry that tax into execution; and that, after all, he must submit to listen to a considerable degree of official detail, and adopt the regulations pointed out to him by those who were to collect the tax in question, before he could fulfil his purpose.

Mr. Alderman *Sawbridge* said, the principle of taxation that had been for some time adopted, appeared to him to be a wrong principle, because it could not, in the nature of things, be an equal principle. Consumption was the favourite object of modern taxation; whereas no tax, but a tax on property, could be an equal one. To illustrate this position, he put a supposed case of a miser and a poorer man: the former has an ample income and a large estate; the produce of both he hoards in his coffers, and scarcely spends any thing: the latter has a moderate estate, but being of a liberal turn of mind, he spends nearly the whole of it. While taxes are laid on consumption, the liberal-minded man with a small estate, would pay twenty times as much to the revenue as the miser.

The House then went into the committee on the Bill.

King's Message respecting the Debts of the Civil List.] July 21. Mr. Pitt presented the following Message from his Majesty:

"GEORGE *R.*

"It gives his Majesty great concern, that, notwithstanding the retrenchments which have been already made in the establishment of his civil list, he finds himself under the necessity of acquainting the House of Commons, that debts have been incurred, by the unavoidable expenses of his civil government, to a considerable amount, an account of which he has ordered to be laid before this House. His Majesty relies on the zeal and affection of his faithful Commons, that they will take the same into their early consideration, and provide such means as they shall think proper, to enable his Majesty to discharge the same."

Debate in the Lords on the Debts of the Civil List.] July 23. His Majesty's Message being read,

Lord *Sydney* observed, that as it was customary that the mode of complying with his Majesty's request should originate in another place, and be sent to that House for their approbation, he should not trouble them any farther at present than to move an Address to his Majesty, thanking him for his gracious Message. It gave the crown great uneasiness to be obliged again to apply to its faithful subjects on this head; but notwithstanding great, and in some cases, very severe retrenchments were made in the civil list, yet it had been found impossible to avoid incurring the present debt; other retrenchments were intended, and would be put in force as soon as possible; but until those were adopted, the allowance would prove inadequate to the expenses; the necessity, therefore, of the present application, must be clear to their lordships, and he doubted not every one of them would

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join him in presenting an humble Address to his Majesty, thanking him for his gracious Message.

The Duke of *Manchester* said, it was very far from his intention to give the least opposition to the motion; no man wished to act with greater liberality towards the crown than he did. He was sorry to find it circumscribed in its finances; he wished its allowance to be equal to its dignity, and all he desired to see was economy used in the expenditure. He perfectly agreed with the noble lord in the hardships occasioned by some of the retrenchments, as well as the present allowance being inadequate to the expenses of the civil list, which in many cases was confined to a parsimony totally unbecoming the dignity it was intended to support; the salaries, for instance, annexed to the offices of his Majesty's servants in foreign departments, were far from putting them on a level with those appointed by other states; of this he could speak with some certainty, having experienced it when he had the honour of being employed by his Majesty. His motive, however, for rising was merely to request the noble lord would inform him, by what means this money was intended to be raised; he found by an act of parliament in his hand, that on a late application, 300,000*l.* was issued in Exchequer bills, redeemable at 12,500*l.* per quarter, and by the accounts on their lordships table, that the debt on the civil list was upwards of 44,000*l.* in one year, which amounted to very near the sum that by the Act was to have been paid; thus, there was every reason to conclude that ministers would not be able to stop on the present application, but would be obliged to come again next year, the year after, and so on; therefore it was that he was desirous of being informed whether any new method was to be adopted; if not, he thought it would be much better to come forward at once, and fairly state to the public what sum was actually wanted to render the civil list perfectly clear, and the present allowance being insufficient, to ask at once for that sum which would support the crown of England with that honour and dignity which he was certain every Briton would be happy to see. Being up, he must intrude on the patience of the House, with a few words on an article in the account upon the table, in which he conceived himself to be a little concerned; the large sum of 7,168*l.* was charged in the department he had had the honour to fill; now, although he by no means objected to, or thought secret service money misapplied by government, yet he conceived it necessary, to prevent any misconceptions, to state, that he, while in France, had not drawn upon the Treasury for a single shilling for that service; he did not mean to boast of this as any merit, for he rather thought it owing to chance, and that he had been lucky in having no occasion for it. Another motive there was for his making this observation to the House: an act of parliament was now in being, by which any servant of the crown, on a foreign station, is to account for the money drawn for that purpose within a twelvemonth after his return, and make oath of the expenditure of it; now those unacquainted with the fact, might have been surprised he had not made up such account; the reason was a very palpable one, after what he had stated to their lordships; he had no cause to suppose the money had not been expended, and properly expended, as stated in the account, but no part of that expenditure had passed through his hands.

Lord *Sydney* could not give the noble duke that satisfaction he required, because it was a matter which generally originated in the House of Commons; he thought, nevertheless, he might go so far as to inform the House, that he did not believe it was intended to apply for any more than was absolutely necessary for the present exigencies. Respecting the noble duke's proposition of coming forward at once for a sufficiency to defray all arrears, he felt himself highly honoured with his promise of support; but although he possessed such liberal sentiments, they were not to be found with every man, and he feared, were ministers to attempt such a measure, there would be many ready to traduce them for it; nor did he think it would be strictly proper to bring such an important matter forward so late in the session, and when parliament was so thinly attended.

The Earl of *Carlisle* was surprised to hear the noble lord say this was an improper time for so important a matter, because parliament was thinly attended, when there were subjects now in agitation in parliament as important as any that ever was or can be agitated in this kingdom. Was not the regulations for the East India Company of importance? Were not the taxes of importance? and yet

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these were either before, or to be brought before parliament, late as it was in the session. He perfectly agreed with the noble duke, that it was incumbent on every subject to support the honour and dignity of his Majesty, and that the civil list ought to be such as to leave no room for an excuse of its going into arrears; it was a reflection upon the sovereign to be necessitated to make these applications, and it was a degradation that he was certain every subject in the realm was sorry to see.

The Address was agreed to *nem. dis.*

Debate in the Commons on the Debts of the Civil List.] July 23. The House being in a committee of supply,

Mr. Chancellor *Pitt* rose to state the arrear which the civil list had incurred. It was, he said, considerably in arrear, and it would be seen that he had been correct in stating, that there had been an excess in every one of the three quarters that the late administration had been in office. The excess had occurred under the head of "occasional payments." The whole of the civil list, he thought, should come under the inspection of the committee, that some steps might be taken to make it fully and securely square, in future, with the services. He was not without hopes, that by rigid economy it might, without any increase, be made to answer the services. He moved for a sum, not exceeding 60,000*l.* for the discharge of the debts due on the civil list.

Mr. *Montagu* explained all the particulars of the account of expenditure, during the three quarters when he was at the board of Treasury.

Mr. *Keene* explained why so much more had been expended by the lord chamberlain's office, in one of the quarters, than in the others.

Mr. *Sheridan* went into a copious discussion of the account. He said, the imputation which Mr. Pitt had thrown on the late administration, he would undertake most unequivocally to refute. The first quarter in which his right hon. friend was in office, the civil list incurred no arrear. He assigned reasons why there had been an excess in the other quarters; and after a variety of arithmetical statements and references, contended, that he had clearly shewn that his right hon. friend had not been to blame, for that it was impossible for him to know of demands that were to come upon the civil list after the quarter's accounts were respectively made up, because many of those demands came from abroad, and some of them from so distant a quarter as the East Indies. Having dilated on those points, he took notice of the nature of the present application, and read the following extract from his Majesty's Speech to his parliament, during lord Shelburne's administration: "I have carried into strict execution the several reductions in my civil list expenses, directed by an Act of the last session. I have introduced a farther reform into other departments, and suppressed several sinecure places in them. I have by this means so regulated my establishment, that my expenses shall not in future exceed my income." He observed upon this, that it was a promise made to parliament, while an administration were in office, of which the right hon. gentleman made a part, and that, therefore, the House had some sort of a right to expect, that while he was in office, at least, the promise would be kept. The fact, however, was, that it was impossible to confine the civil list within the sum allowed for it. The right hon. gentleman had therefore acted prudently and candidly in declaring, that he would not pledge himself that no future debt should arise. After the sum now asked was voted, the right hon. gentleman must come down again next session and do one of these two things: he must either call upon parliament to grant a larger annuity, or propose a reduction of the establishments. Whether the establishments could be reduced, was a question about which there might be some doubts; but he should have thought it would have been more advisable for the right hon. gentleman to have stated the whole case to the House, and to have asked at once for a sum sufficient to answer every probable demand, not only of the present debt, but every debt that might in future be incurred, if a larger sum was not voted for the civil list, or if the establishments were not reduced. He gave Mr. Pitt credit for a due attention to economy, and said, it was very true some of the incidents that made up the article of occasional payments in the quarter ending April 5, 1784, would not again happen, and as to the expense attending a change of administration, that he was persuaded the right hon. gentleman was sincere in wishing it might not very soon be incurred. He contended farther, that the present appli-

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cation was a virtual repeal of Mr. Burke's Bill; and therefore, to prevent a repetition of a similar circumstance, he recommended the right hon. gentleman to ask at once for a sum equal to the occasions of the civil list, so that there might not be any farther necessity for applying to parliament for relief.

Mr. *Pitt* combated the arguments of Mr. Sheridan. The hon. gentleman, he said, had stated, that he had brought a charge against his right hon. friend, whereas, in truth, he had brought no charge whatever; but the charge, if any there were, arose out of the facts stated in the accounts upon the table, by which it was clearly evinced, that when a right hon. gentleman a few days since asserted, that he knew from the best authority, that during the existence of the last administration the civil list had not gone into arrear, he asserted what was not the fact, because it appeared upon the face of the account on the table, that the civil list had run in debt in every one of the three quarters that the right hon. gentleman had been in office.

The Resolution was agreed to.

Debate on the Supplemental Budget.] The House having resolved itself into a committee of ways and means,

Mr. Chancellor *Pitt* said, he had to claim the indulgence of the committee once more upon a subject respecting which they had granted him their indulgence already; but that, he hoped, would be the last occasion of his desiring their attention for that session, while he performed the most painful part of his duty as Chancellor of the Exchequer. He had to propose to them that day such supplemental taxes as would appear likely to produce that deficiency in the money necessary to pay the interest of the sums that had been raised for the service of the current year, which giving up the intended tax on coals, and the duty on hop planter's licenses would occasion. The first substitute he had to submit was one, which, he flattered himself, would prove productive without being much complained of. It was an addition to a revenue of experienced efficiency, and which, therefore, might be looked to with confidence: he meant the Post-office. It was his intention to make a small alteration in the prices of postage, which, though its effects would be but trifling upon individuals, its produce would prove materially efficient for the public. His design was to charge an additional penny on the postage of all letters carried a single stage from London, two-pence additional for double letters, and three-pence additional for treble letters. This increase he should extend proportionably to all distances, from 10 miles as far as 150 miles and upwards from London. He stated the different rates to be charged according to the distance, and the separate amounts of the produce which he expected from each particular description of letters, and of the distance they were conveyed to. The produce of this alteration in England, by direct roads, he calculated at 74,000*l.*; by the cross roads, at 20,000*l.*; to this he added 4,000*l.* for Scotland. He took the whole amount of this alteration in postage at 100,000*l.*

The next was a regulation respecting the franking of letters. The custom of franking, he observed, had originally been introduced in order to keep up a communication between the constituents and their representatives. It was therefore undoubtedly designed to have been personal, and to have had the furtherance of political, parliamentary, and national business solely for its object. That it had been grossly abused and perverted for a long time past, was a matter of too much notoriety to require elucidation: the fact was, as every body well knew, that the revenue suffered considerably in consequence of the extravagant lengths to which the abuses of the Post-office, in regard to franking, had been carried. What he meant, however, was not to abolish franking entirely, as had been at one time in the contemplation of a former government, but by a regulation to restore it somewhat nearer to its original purport, and by that means to assist the Post-office revenue. He designed that all franks in future should be dated both as to time and place: this regulation the committee would see must necessarily restrict the advantage derived from franking, and in a great measure confine it to members of the two Houses. The produce he should take at 20,000*l.*

The third substitute was an addition to a tax lately proposed, and which every body seemed to think might bear more than he had laid upon it; he meant the registering the qualification of persons to kill game. He had before proposed to lay a duty of one guinea per annum on the license and register of the qualification; he meant now to lay another guinea

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upon it; and at the same time, as from the best information he could collect, he found it to be the general opinion, that the duty upon taking out deputations to kill game would produce more, if the amount of it were less, he meant to reduce it, and while he doubled the duty on qualification licenses, to halve that on taking out deputations; the first, therefore, would stand at two guineas a year, the latter at 10*s.* 6*d.* The produce he took at 10,000*l.*

The next was a tax on an article that had before been taxed, but the tax had been abandoned, as so little productive, that it was not thought worth while to continue it; he alluded to gold and silver plate. The former tax on an article so universally deemed a luxury of that kind most fit for taxation, had been collected in different ways. The last, by a private person's being obliged to enter his plate, and pay an excise upon all above a stated number of ounces. The former tax, which had been imposed many years ago, had been collected upon the stock in trade of a goldsmith; but this had been found to be so liable to abuse, fraud, and evasion, that it had been abandoned for that reason, and on account of its very trifling produce. The mode in which he proposed to collect the tax, would be different from either of the ways he had mentioned. As all plate of gold and silver must be assayed, he meant to collect his tax in that state of the plate, and to oblige all persons sending plate to be assayed, to have it at the same time stamped with a particular stamp: thus the tax would not be an annual tax on plate, but a tax on the prime cost of the article, which no individual he conceived would grumble at paying once in their lives. The average number of ounces of gold and silver plate that had been assayed for some years past was 100,000 of silver and 8,000 of gold, and charging six-pence an ounce on silver plate, he computed it would produce 22,000*l.* besides allowing 8,000*l.* for drawbacks on plate exported: gold plate, he said, he should charge 8*s.* an ounce for the stamp; he reckoned the produce therefore at 3,000*l.* The two together, he said, would bring 25,000*l.*

The amount of the taxes he had proposed, would be 155,000*l.* whereas the wanted sum would be 160,000*l.*; but as there would be a defalcation in the produce of several of his taxes formerly mentioned, in consequence of the modifications he had been obliged to make in them, he must trouble the committee with one or two more, in order to make up the sum of 200,000*l.* The first of them was a tax on licenses to sell ale; a subject which if gentlemen would look round their neighbourhood, they would see it was perfectly fair to fix upon. He meant, therefore, to lay an additional tax of 10*s.* 6*d.* on each licence; which he took at 30,000*l.* The last tax he should propose, was a tax on the exportation of a raw material; he alluded to lead, which he said he should tax at the rate of 20*s.* per cwt. exported; and as it appeared from the entries that 15,000 cwt. of lead were exported every year, he should take the lead at 15,000*l.* Mr. Pitt concluded with moving his first resolution.

Mr. *Hussey* asked if there was any intention to tax goods plated with silver? He was answered, No. He declared he was sorry for it, because he considered all plated goods as a waste of bullion. He said he had much rather the right hon. gentleman had left gold and silver plate alone, and laid his tax on plated goods. He considered silver and gold plate as a manufacture extremely advantageous to the country; and contended, that the more bullion were kept in the kingdom in any shape, the better.

Lord *Mahon* flatly contradicted this position. He said it was no advantage to the kingdom that there was a quantity of gold and silver plate in it; it was of no more use than if it was buried in the ground: gold and silver plate he considered as about equal in real value to a parcel of stones and pebbles locked up in a drawer, and nothing better.

Mr. *Hussey* persisted in his argument.

Mr. *Wilberforce* said, the hon. gentleman was egregiously mistaken. Of the two, nationally considered, the manufacture of plated goods had infinitely the advantage, because that was the produce of labour, and the labour and industry of the lower ranks of the subjects of a great empire was its best and truest wealth.

Mr. *Hussey* said, if there were not plated goods, other goods would be manufactured, and therefore the labour and industry of the people would be the same. Plated goods injured the other manufactures, for they had come so much into fashion, that men had plated harness furniture, plated buttons, and plated buckles; and there was scarcely a common alehouse in the kingdom without its plated candlesticks; all this he contended was a waste of bullion, and therefore a disadvantage.

Mr. *Wilberforce* said, so far from plated

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goods injuring the other manufactures, they had of late increased considerably, particularly the exports of the steel manufactures, and that the idea of keeping bullion in the shape of silver plate was an error in judgment.

When the resolution for the tax on qualification registers and licenses was moved,

Captain *Berkeley* said, he heartily wished the right hon. gentleman had carried that tax farther. He thought two guineas too little. Why not make the duty 5*l.*? Gentlemen would willingly pay it. His neighbours in the county he represented had met, and calculated what the tax so increased would produce, and they found that in Gloucestershire only, it would raise upwards of 3,000*l.*

Mr. *Sheridan* said, the taxes that day proposed, appeared to him to be in general unexceptionable; if he were to object to any, it would be to those relative to game, because he could only consider them as proposed with a view to give vigour to the game laws, which were a system of oppression and tyranny; if they were not proposed with that view, they would not produce a shilling.

Mr. *Pitt* declared, he was as little a friend to the arbitrary spirit of the game laws as the hon. gentleman, and had no idea of giving them vigour, when he suggested the tax. He was known to be an enemy to illicit dealers of another description, but he had no idea of harassing smugglers with oppressive revenue regulations, nor of persecuting poachers with arbitrary and unjust game laws.

Mr. *Sheridan* said, then let the right hon. gentleman move for a repeal of those laws; that done, his taxes on qualifications would be wise, salutary, and efficient. What did the committee imagine was the reason of gentlemen being so desirous of this tax, and so willing to pay 5*l.* instead of two towards it, but with a view to strengthen and secure themselves in the possession of that monopoly, which the abominable and despotic system of the game laws was calculated to create? As soon as the business was over, he said, he would move for leave to bring in a Bill to repeal the game laws, and he trusted he should have the support of the right hon. gentleman.

Mr. *Pitt* said, he certainly had no idea of entering into a revision of the game laws, when he thought first of proposing a tax on qualifications to shoot and kill game. He did not think that a measure fit to be hastily taken up at the tail of a session, or that it was fair to attempt it, without due notice to those country gentlemen for whose benefit and convenience the game laws were originally provided.

Sir *E. Astley* said, it was not poachers who were to pay for a qualification license, but gentlemen who were legally qualified to kill game.

Captain *Berkely* was no friend to the game laws; he wished with all his heart they were repealed. He was persuaded they would then have more game.

Mr. *Sheridan* said, he would not immediately move for leave to bring in a Bill, but he would certainly bring the matter under consideration in a few days; because he was not only convinced that our game laws were a disgrace to us as a free people, but that the game laws made the poachers.

The Earl of *Surrey* thought some tax ought to be laid in some way or other on game dressed for table, so as to make those who eat game pay something for it. As the law stood, and as it was proposed to stand, those who had manors paid a tax on game, whereas the opulent merchant, and wealthy trader here in town, who had no manor, feasted upon game, and were the patrons of poachers.

The resolution passed. Some conversation also took place respecting the proposed additional postage of letters, and the restrictive regulation in respect to franking.

Mr. *Sheridan* mentioned the gross evasions of the Post-office Acts, by the great number of letters sent to town by diligences, stage-coaches, and other carriages. All the great trading towns in particular, he said, carried on this practice, each vehicle having a regular letter-box. These carriages, he said, would still continue a favourite species of conveyance, on account of their great expedition.

Mr. *Pitt* admitted the fact, but said, a plan for expediting the conveyance of letters had been suggested by a gentleman (Mr. Palmer), who had taken great pains to prepare and to digest it, but the detail was too intricate for him then to enter upon: he would only say, it had been before three successive administrations, in two of which he had borne a part; that it was now about to be adopted, and had waited hitherto on account of various official regulations. Of that plan, several eminent merchants, in different large

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trading towns, had expressed the warmest approbation. It would shortly be seen how far it would answer the purpose proposed. In the mean time, however, he could assure the committee, that the post-office revenue, in spite of all the different frauds that were notoriously practised upon it, was an increasing revenue.

Mr. *Baring* mentioned that patterns of our cloths and other manufactures were now sent up to town, from distant parts of the kingdom, in franks. If the regulation took place, the cost of such packets coming by post would be a heavy burthen upon trade.

The Earl of *Surrey* said, he supposed silk and cloth were the only manufactures, patterns of which were usually sent to town by the post. If the postage fell too heavy upon them, they might be sent, in future, by diligences and stage-coaches; and if their profit was greatly increased by the custom of sending small packets by them becoming general, an additional tax must be laid upon them. He thought that the newspapers, which were now sent by post gratis, might be obliged to pay postage, and that all letters should in future be restricted to the weight of one ounce.

Mr. *Pitt* differed with the noble lord in regard to newspapers. He could not, he said, consent to check the free circulation of those useful vehicles of information through the kingdom. When it was considered how important it was that early and authentic information of what passed upon great national subjects in town, should be conveyed to the distant parts of the island, he flattered himself no gentleman would seriously think of clogging such a conveyance, and perhaps putting a total stop to it. Besides, let the noble lord recollect, that if newspapers were not always the most impartial and correct vehicles of facts, they were considerable objects of revenue, and one revenue must not be destroyed for the advantage of another; at any rate, he could not think of hazarding the diminution of the stamp-duty, for the sake of a trifling increase of the post-office profits.

Sir *E. Astley* could not approve either of the additional charge on postage, or of the restrictions with regard to franking, since they, by one mode, laid a tax on the public that did not affect themselves, and by the other, they contrived to render their privilege of sending letters free, sacred to themselves, and consequently more invidious and unjust.

Sir *Harbord Harbord* said, he thought with his hon. colleague; and therefore, though gentlemen would not consent to give up franking entirely, he would presume that they might take a middle path, and let each frank pay two pence.

Mr. *Pitt* said, the proposition was a direct solecism. To talk of a frank, and be obliged to pay for it at one and the same time, was the strangest idea he ever had met with. Either abolish franking, or let it be adhered to as he had proposed. Such a paltry price as two pence would disgrace parliament, without benefiting the revenue.

Mr. *Wilberforce* was of a contrary opinion. It would raise no despicable sum, he said, and he thought it was a proposition worth attending to. At any rate, he saw nothing like disgrace in it.

Mr. *Powys* said, perhaps letters to members of parliament ought to go free; but he saw no reason why they should convert a public purpose to a private advantage, and appropriate that to their convenience and gain as individuals, which was meant for their use as representatives of the people. It had been said, that franking was originally intended to facilitate a communication on national and parliamentary concerns between the representative and the constituent. Grant it, and let it continue for that purpose; but a member of parliament could not need to correspond by letter with his constituents, nor the constituents with their representative, when parliament was not sitting. Let franks go then from the commencement of each session to its prorogation; but between the prorogation and the commencement of the next session, let members be considered as private individuals, and pay the postage of their letters as other private individuals did.

Sir *James Johnstone* said, that when he was chosen a member of parliament, he was invested with a few privileges, and franking among the rest: a privilege which he was determined never to resign. The privileges of the members of that House were sufficiently reduced already.

Mr. *Pitt* said, he could not approve of the two penny tax, but he would profit by the advice of a noble lord; and though he did not approve of charging the postage of a newspaper the same as a letter, he saw no objection to their paying a trifling postage.

Mr. *Sheridan* advised the right hon. gentleman by no means to throw any im-

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pediment in the way of the circulation of newspapers. Let him think a moment what an essential instrument of revenue a newspaper was: it was not merely the stamp, but every advertisement it contained was a source of benefit to the revenue, nay, many paragraphs paid duty. Perhaps there was not an instance of any one object that paid so much of its entire receipt into the public coffers.

The several resolutions were agreed to.

Mr. *Pitt* said, he had one more consideration to submit to the committee, and that was not a new tax, but an improvement of a tax already before parliament; he meant the tax on horses. What he intended was, to take the hint of an hon. gentleman, which, when suggested, had appeared to be received with general satisfaction, and to propose a tax of one guinea, to be paid for every horse, mare, or gelding, entered to start for any plate, purse, or match.

The Earl of *Surrey* hoped the tax would be considered with a view to revenue solely. As such, he begged leave, as a person in some degree conversant with the subject, to advise the right hon. gentleman to change his tax, and instead of laying a guinea upon every horse that was entered to start for any plate, &c. to lay a tax of 5*l.* on the winning horse of any plate of 50*l.* value. This would be much more cheerfully paid; and as there were 500 plates won in the course every year, the produce would be the same as if it were laid the other way. His lordship introduced some very humane remarks on the practice of running colts, and sweating jockies.

Mr. *Rolle* rose to return the right hon. gentleman his thanks for having accepted his hint. He declared he had no enmity to horse-racing, nor had he proposed the tax with any such view.

Mr. *Pitt* returned his thanks to the noble lord for the information he had been so good as to suggest, declaring that he really stood in need of all the assistance that he or any other gentleman acquainted with the turf could give him. As a proof that the noble lord had not in vain suggested a tax of 5*l.* to be paid by the owner of the winning horse, Mr. Pitt said he had amended his motion, and annexed that proposition to the proposition of one guinea to be paid on every horse, mare and gelding entered for any plate, match, or purse.

After a hearty laugh at this sudden seizure of the earl of Surrey's idea, the amended resolution was read by the chairman.

Mr. *Sheridan* then rose, and after a witticism or two that excited a peal of laughter, said, the right hon. gentleman had proved that a light rider had the best chance of winning the match, since he had left the noble lord behind him. He assured the noble lord, however, that when he returned to the sporting gentlemen who would be affected by this new tax, instead of admiring his boldness, they would most probably say to him, "Jockey of Norfolk, be not so bold."

The Earl of *Surrey* declared he was happy to find the knowing ones had been taken in in this heat, and that he thought the right hon. gentleman had distanced him, and fairly won the plate.

Mr. *Pitt* said, he believed this was the first time that so dull a business as a committee of ways and means, employed all day in proposing taxes, was ever concluded with so lively an epilogue as had been just delivered by the hon. gentleman opposite to him, and the noble lord, to both of whom he returned his thanks for the assistance he had derived from their experience.

The chairman then left the chair.

Mr. Burke's Motion for Papers relative to the Conduct of Mr. Hastings towards Almas Ali Cawn, &c.] July 30. Mr. *Burke* begged leave to call the attention of the House. He was aware how different it was to act from facts sufficiently substantiated, and from reports which might be either true or false. The matters he was now to lay before the House, were of pressing importance, and he doubted not would be found, upon trial, to depend on the best authority. The business he undertook would lead him to mention some articles of information, which, in his opinion, demanded the most minute and immediate investigation. He knew not how far his services as an informer might be liked; it was a character for which he professed no great predilection; and if he might judge of the present from the past, it was not likely that the part he was to act, was either an acceptable or a popular one: there was at least this presumption against it, that it would readily prove offensive, in proportion as it was found to be true. For the mode of judging with a certain class of men, had of late been, not for, but against evi-

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dence; not because convicted of its reality, but because it was convenient to see no reality in any thing which had the most distant semblance of reality from that quarter. Here was the great stumbling-block which had undone India, and which would ultimately undo England. A very large body of individuals were united and determined to protect the Company's servants from every sort of inquisition. This was the only way by which the guilty could be screened from justice—by which those who deserved, could escape punishment. A confederacy was formed, for the sole purpose of extolling the India government as a good one, and the governor as unimpeachable. The whole drift of this crooked policy, was to keep the poor natives wholly out of sight. We might hear enough about what great and illustrious exploits were daily performing on that conspicuous theatre by Britons; but unless some dreadful catastrophe was to take place, unless some hero or heroine was to fall, unless the tragedy was to be a very deep and bloody one, we were never to hear of any native's being an actor! No: the field was altogether engrossed by Englishmen; and those who were chiefly interested in the matter actually excluded. The extraordinary circumstance, to which the world owed so many unexampled transactions, was no other than a belief, industriously propagated in India, that all the measures of the Company's servants were approved and confirmed by authority *from home*. This had been long held up to that unfortunate race of men as the radical principle of the Indian government: so that whether their English masters dealt in peculation, in oppression, in tyranny, or in murder, it was not to gratify their own unbounded avarice or ambition—it was not to render themselves independent of those who employed them—to amass enormous fortunes, and to return to this country, and, in the face of all law and justice, blazon the infamous trophies of extortion and rapine! No: these were none of their motives: they acted only by authority, and firmly relied on support *from home*. Here he read an extract from some of Mr. Hastings's letters to the directors, in which an acknowledgment was explicitly made by that gentleman, of his having thus availed himself of such an expedient, even at a time when it was the current opinion, that all the power and authority of the Company were exerted in managing and controlling his proceedings. While, therefore, he was ravaging countries, depopulating kingdoms, reducing the gardens of the universe to a desert, plundering opulent towns, and consigning to atrocious cruelty and destruction the innocent and industrious inhabitants of whole empires, he laid the entire obloquy of his conduct to the authority under which he pretended to act. From this originated all those foul enormities which had deluged the Indies in poverty and blood, and flung the British empire into one complete scene of animosity and distraction. Whatever projects ambition proposed, avarice grasped, or cruelty perpetrated, this apology was ready to cover, to extenuate, to authorize, to urge, or to sanction the whole! It was always support and protection *from home*, which gave operation and effect to rapacity, to peculation, and to bloodshed abroad! In this manner the English government was traduced, and the very name of Britons became infamous and execrable.

There was a time, to be sure, when much was done in the House of Commons to counterwork the malignant influence of such an impolitic and merciless principle. He frequently heard a learned gentleman (Mr. Dundas) pour out a dreadful torrent of eloquence and invective, for the purpose of declaring to the whole world, that the servants of the Company were no longer the objects of support *at home*; that this country were not sharers in their guilt; and that justice would undoubtedly overtake delinquents, whose conduct had brought the foulest reproach on the British character. With what a catalogue of the blackest crimes had he not charged them, in the face of that House and of the public? and by a detail of evidence, which swelled the Journals of parliament, and blackened the annals of the nation, which interested the curiosity, and roused the indignation of all Europe, and which would descend to posterity unbroken, unequivocal, and unimpeached, he demonstrated, to the complete satisfaction of all who understood the subject, that the English government in India had become almost as infamous *at home* as abroad—had lost all credit, even with its sovereigns in Leadenhall-street—had not only refused compliance with the repeated orders of the Company, but uniformly contradicted them: and that therefore an immediate and universal reform was become indispensable. The recal of governor-

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general Hastings was the consequence of these bold and spirited exertions. This seemed the only expedient which the wisdom of parliament thought adequate to the evil: and the measure undoubtedly possessed the confidence of the public at large. Things were now brought to a crisis: whoever doubted but an order from the court of directors, or an order from the House of Commons, might singly, but especially when connected, have been able to bring from India a servant of the Company. No such thing. The experiment was made, and made with every prospect of success, on the side of this country. But who can estimate the influence of corruption, when supported by all the treasures of India? This powerful and opulent country was evidently worsted in the struggle, and the sequel of the contest has proved, that the support *from home*, however secret and mysterious in its operation, was nevertheless real, and always at hand to answer the basest purposes, like prompt payment.

The great question, therefore, under such a series of misconduct, still was, How were the natives affected—what were their hardships—in what manner were they to be relieved—from whom were they ultimately to expect assistance? Was there no door of mercy left open for so many millions of our fellow-creatures, who had long groaned under every species of the grossest oppression? Or were the whole British possessions in India formally proscribed by act of parliament, or consigned, however, to the scourge of the men, whose outrages had already rendered the finest and most fertile provinces on earth one barren unhospitable solitude? He now appeared in behalf of those Indians, whom our barbarous policy had ruined and made desperate. Their grievances were unparalleled in history, and seemed to increase in proportion as they became unable to bear them. The English establishment among them appeared to have no other object than to accumulate their oppression and distress. Was such a monstrous abuse of power—such a desolating calamity—so enormous a mischief, to continue its operations without end or limitation? Where were the innocent sufferers to appeal? Their tyrants were evidently invested with new powers. Those, at least, by which so much damage had been done, were approved, and received such a protection *from home*, as was enough to make every individual Indian tremble for his life, in proportion as his property rendered him an object of rapacity and destruction. And were men in such a predicament as this, to be under the necessity of demanding justice from the very authors of their wrongs? Had they any thing like the mere forms of equity to expect from such as had injured them? Would not their heaviest complaints be treated as chimerical, and their most urgent petitions be rejected, as groundless and absurd?

The people of Quebec had just brought forward a petition; their requisition would be heard; public justice demanded it in their name; and they wanted not friends in this country, who would faithfully represent, enforce, and facilitate their claims. They, happy people! were not oppressed by a governor-general, over whom the British legislature had no power, whose friends, both in Britain and India, triumphed in the plenitude of authority, and whose inhuman and execrable measures proceeded on full security of protection *from home*. No: they were connected with many who were determined to see them righted, who generously made their cause their own—who were even interested in taking their parts. But the natives of India were universally abandoned to their fate: they had not only to struggle against the most dreadful odds, but were absolutely without friends or resource. Their riches were gone to make the fortunes of those, who now turned a deaf ear to all their complaints. Where was the friend of the minister, or the favourite of the British court, or the member of parliament, whose influence promised success, who would stand up an advocate for the unfortunate Almass Ali Cawn? Alas! the situation and property of this man, like a great many of his countrymen, destroyed him, attracted the attention, stimulated the avarice, and brought down the vengeance of the British on his head. The crime of having money was imputed to this unfortunate prince, which, like the sin against the Holy Ghost in Christian theology, in India politics can never be forgiven. It seemed impossible, in this instance, to plunder without murder. The bloody edict is therefore issued. Mark how soon the fatal science in that country is brought to perfection! No matter what is done, provided the manner of doing it be properly managed. Yet he had heard of a letter, and of a murder, or something very like it, recited in that letter; an ex-

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tract of which had come to his hand. From this extract he learned that orders had been sent to arrest Almass Ali Cawn: but this gentleman-like business must be done in the most gentleman-like manner. The chief must be taken, and he must also be 'put to death;' but all this must be so contrived as to imply no 'treachery.' Here was honour of a very singular and nice description—plunder, peculation, and even assassination, without treachery! Such was the extreme refinement which distinguished the cruelties of the East! All possible delicacy was even to be shewn in the exercise of a ferocity, the foulest and the most atrocious that ever blackened the prostitution of usurped authority. The reason of such extraordinary proceedings was not less extraordinary. The precaution is no compliment to the sensibility, but to the cunning and pusillanimity of the mind with whom the bloody mandate originated. There were persons to whom such a circumstance might procure a handle of reproach or invective. On this account, let Almass Ali Cawn be deprived of his life with as little indecency as possible. The proscription is absolute—he must die; but let his death be perpetrated honestly.

This, however, was only one instance of many where the same wild and outrageous policy prevailed, and threatened an utter extermination of all our settlements in that part of the world. Every district almost in India daily exhibited marks or specimens of the same inhumanity, and disclosed scenes of misery and degradation, by means of our mismanagement, of which few Europeans could have any conception. And what had been done to check the ravages and ambition of the Company's servants? Had government interfered to prevent or put an end to these extravagancies? Was there any probability of things assuming another or a milder aspect? Had the system framed and matured by the wisdom of the new parliament at home, or any late measures carried into execution by the supreme council abroad, given hopes of better things? He wished to God these and a thousand such questions could be answered in the affirmative. He appealed to the treasury-bench, who had all undoubtedly made themselves masters of the facts in debate. He would appeal to a bench higher than the treasury-bench; he meant the Indian bench behind it, where the agents of the Company and of the Company's servants sat, the honorary supporters of their own administration. He asked what the House and the whole world were left to conclude from that impunity with which the most enormous transactions of those who had the good fortune to perpetrate them in India were treated? Could the House without horror and indignation recollect the barbarous usage which two unfortunate princesses had experienced? The tale which the history of these ladies, the mother and grandmother of the vizier of Oude, disclosed to Europe and to posterity, was enough to make children yet unborn blush for the rapacity and brutality of their fathers, as well as flush the cheeks of Britons for the flagitious conduct of their countrymen. Were not the nearest relations of these illustrious women tempted to betray and ruin them? Were they not stripped of their all, and reduced from the first situations which the country afforded, to a state of penury and beggary? Were not these dreadful sufferings inflicted because the women, who had on a former occasion smarted under that spirit of outrage and rapacity which had stamped in blood the atrocious footsteps of the Indian government, apprehending a repetition of the same depredations, assumed the courage which became their danger, and defended themselves to the utmost of their power. This happened during our residentiary commission for the government of that country. They were bereaved even of their jewels: their toilets, those altars of beauty, were sacrilegiously invaded, and the very ornaments of the sex foully purloined! No place, no presence, not even that of majesty, was proof against the severe inquisition of the mercenary and the merciless.

But where was all this immense booty? Was it placed to account? No. Had it been occupied for investing any of the Company's ships? No. Where, then, was it? Ought not some memorandum of it to exist? The fact was uncontrovertible; but the certain effect which it was meant to produce, and which it did produce, seemed obliterated and vanished for ever. Need he tell the House that Mahomed Caun had written a letter on the ruin of his country, conceiving it his duty not to remain silent while a scene of such distress presented itself to his view wherever he turned his eye. This province was not able to produce a twelfth of what it had done but a short time be-

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fore. Here nature had lately bloomed in luxuriance and bounty; the inhabitants had been rich, contented, and contributed their share to every burthen proposed with cheerfulness and satisfaction. Now, an armed force could not extort from them one-twelfth part of what they had then granted voluntarily. Could any man be at a loss to conjecture the reason of so rapid a declension, since it appeared in this instance that the revenues decreased in proportion to the violence and force employed in collecting them?

He wished from his heart any one would contradict the facts stated with regard to this wretched country. Reasons of state undoubtedly might be given in great abundance, and an apology made for every outrage which the strong could exercise over the weak; but facts were superior to sophistry, and would always speak for themselves. Was not this country, prior to the dirty and miserable interferences of English politics, so plentiful, so well cultivated, and so rich, as to deserve the name of the Eden of the East? There was nothing like its fertility and luxuriance in those barren situations where we existed. It exhibited to Europeans a new spectacle of nature putting forth all her strength. But where now was this beautiful paradise? It was no where to be found. This delightful spot, the joint effect of nature and art, the united work of God and man, was no more. The country was extirpated. Haman Dowlah, the well-known appellation of Mr. Hastings in India, had reduced the whole to a waste, howling desert, where no human creature could exist. He challenged the abettors of such desolation to stand up and give him the lye. And how, or by what arguments, could a government be defended, under which such a series of irreparable, unexampled, and uncontrovertible miseries existed? He desired the Indian and Treasury-benches to look at Bengal, and to think with horror, that while we were forging new chains for the wretched natives of that place, Heaven was rescuing them from our machinations by a famine which raged at this very moment in the environs of Calcutta. He called upon Major Scott, Mr. Atkinson, and several of the Company's friends who sat behind the Treasury-bench, to contradict any of his statements. It was from a country thus pillaged, depopulated, and deserted, hopes were entertained of retrieving the Company's affairs. And those men, whose dreadful delinquencies were notorious and unpardonable, were notwithstanding empowered by the British government to act with more extensive authority than ever in that very capacity which they had already rendered the scourge of India and the opprobrium of England. These were the men who had promised a revenue equivalent to all the necessities of the Company, and the arrears due from it to this country. Was the House aware of the magnitude of the sum to be raised, and of the situation of that country which was to produce it? In what state could they suppose that empire in which a famine reached, in its dreadful progress, the very gates of the capital? There was, he knew, a committee watching the causes and effects of this dismal calamity, called the Committee of Famine: but this was no matter of surprise to him. The policy which had for some time prevailed in Bengal, was adequate to the greatest evils which could befal its miserable inhabitants. That country was not more populous than this. There were, according to the best calculation that could be obtained, nearly the same number of inhabitants in both. Here, however, the duty on salt exceeded very little the sum of 250,000*l.*; but there it produced just twice that sum. The same sort of standard was in general applicable to every article of revenue. Whatever taxes we paid, it seemed to be the system of our Indian governors to impose the double of that burthen on their subjects. Their land tax, where ours was only four, was not less than eight shillings in the pound. And what but a passion of the most flagitious rapacity could be the cause of such an enormous exaction. It was not, he found at last, altogether possible for either the Company or the legislature to overlook such a system of delinquency. Some remains of decency compelled them to make occasional remonstrances on the subjects where their servants had incurred most blame. The orders which they issued were therefore replete with the best advice. Never did he see more sound morality than in these. In theory their sentiments were divine; but in their conduct how literally and awfully had the medal been reversed. He had read somewhere, that "great were the company of preachers." He was sorry their labours had not been more successful, as most of the miseries they had brought on a harmless people, originated in their preaching when they ought

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to have commanded. Looking at Mr. Dundas, he exclaimed, that "Saul too was among the prophets;" but he had proved one of those whose doctrines had "a savour of death unto death, and not of life unto life."

What, then, was to be the end of all this? It was now too plain the British legislature would not interfere for the salvation or relief of people who had never injured them, though injured by them in the foulest manner. They would, however, find redress where neither the Company nor this country could prevent an attention to their wrongs; crimes which involved the sufferings, the ruin not of individuals only, but of nations and empires, could not ultimately escape the righteous judgment of God. The guilt and devastations we had carried into a country with which we had no concern, would be regarded as an insult on his conduct, who had the hearts of kings, of ministers, and of societies in his hand. In all these transactions he saw an over-ruling Providence making such arrangements as should render it utterly impracticable for the criminal, however barricaded with power, however loaded with wealth, however extolled by flattery, finally to escape. A cry for vengeance had gone forth and reached his ears, who never could be inattentive to the distresses of his creatures; and we could expect as little mercy from him as we had shewn to them. We were still more in his power than the poor Indians were in ours. Should he but withdraw his finger, we should become as little among the nations as ever we were great. Did we not already exhibit marks of this awful dereliction? Yes. The country was devoted to destruction: that House, the venerable palladium of its liberties, was annihilated: the constitution had received a shock, which it would never recover: the empire was mutilated, and its very credit tottered to the foundation. These were symptoms of a dissolution at hand. The decree was fixed; and as certainly as we had regarded the sufferings and grievances of the Indians without mercy, our punishment would come without mitigation. What are these men, said he, pointing to the Treasury-bench? Are they not the ministers of vengeance to a guilty, a degenerated and unthinking nation? Yes. They are literally the executioners of that awful and irreversible verdict which is registered in Heaven against us, and commissioned by the Great Sovereign of the world, who hath destined them his scourge, in loading with such a series of oppressive taxes as have no example, a people whose unprincipled ambition have rendered them infamous in both extremities of the globe. He concluded this part of his speech with moving, "That there be laid before this House copies of all letters, instructions, or minutes, relative to the seizure of the person of a native of India, resident in the country of Oude, called Almas Ali Cawn, and for putting the said native to death."

Major *Scott* seconded the motion, and hoped the House would suffer it to pass. He hoped the instructions given by Mr. Hastings to Mr. Bristow, the paper to which the hon. gentleman alluded would be produced, and then the House would see how completely the hon. gentleman had been misinformed, when he said that Mr. Hastings had authorized or recommended the murder of any man. Those instructions were given in Mr. Hastings's name, with the knowledge and concurrence of the supreme council. He had great pleasure in easing the apprehensions of the hon. gentleman, as to the famine which he had stated to have prevailed in Oude and Bengal. There had been a very grievous famine in the districts of Agra and Lahore, and about Dehli; but in those countries we had no concern or influence. Great alarm did prevail both in Oude and Bengal; but very providentially a great quantity of rain fell in Oude, in January, which had saved the wheat harvest, on which the inhabitants generally subsisted. In Bengal every fear of a famine was at an end. With respect to the monopoly on salt, he could assure the hon. gentleman, that the price was neither grievous nor oppressive, and lower than the average price for the last twenty years, though it produced above 500,000*l.* a year to the Company. He begged to say a word or two of the Reports of the select committee. He assured the hon. gentleman, that he had complained to general Smith in 1782, that his evidence had been garbled. There was nothing he so earnestly wished as a consideration of these Reports by parliament: but had they not both appealed to the public, and had not the public determined against the hon. gentleman? He knew, the major said, the respect that was due to Reports of that House, and God forbid that he should presume to speak of them improperly: but the pamphlets which were

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published by Mr. Debrett, under the title of the 9th and 11th Reports, he had called false and scandalous libels, and he had proved them to be so. As to what the hon. gentleman had said of Oude, he had the satisfaction to inform him, that the residency was completely withdrawn, and that the vizier had given the security of Lala Buccherage and other bankers, for the complete payment of the Company's balances at stated periods. He had also the pleasure to inform the hon. gentleman, that the mother and grandmother of the vizier were on the most intimate terms with him, that their jaghires were restored to them, and that there was not the smallest idea of plundering them.

Mr. *Burke* declared the hon. gentleman had confirmed every word he had said. The famine which he had mentioned, was established beyond a controversy, by the best authority which could be obtained, and the fact could not be allowed without admitting the existence of those causes which unavoidably produced it. The hon. gentleman had also, in effect, confessed the government to have been so bad, that they were obliged to return it into the hands of its original owners, as not being able to make any thing of it themselves: but the wretched people, from whose territories they had withdrawn their resident, they took care to make the prey of usury. What else was meant by the security of bankers to guarantee the Company's acquisitions? He desired to be corrected if he misstated any particulars; but he acted on information which he knew to be sound, and every fact he advanced would thus reach the public ear under the sanction of the hon. gentleman's testimony. He was by no means conscious that the hon. gentleman's evidence was garbled or stated in any degree incorrectly: but if he thought it was, his redress was open. Why did he not complain to the House? He had a right to have made such an appeal. The House would have taken up his cause, and the matter undergone a fresh investigation. Every one knew, that in framing reports of committees, it was not customary to state the entire evidence of every witness, but that part only which was most applicable to the point for which it was adduced; and whenever any doubt arose about the fairness of selection, the practice had always been to refer to the minutes. The hon. gentleman might therefore, if he chose, move for the minutes then; by them he was ready to abide. But he foresaw all those general and vague charges were only meant to blunt the force of his statements, and to hold up a specious but unmeaning language to the public. He received with readiness and satisfaction the challenge which had been given on the subject of the Reports. It was easier to say they were false, than to prove it. He suspected the attempt would go no farther. It was not necessary. It might be impolitic. The multitude were not always in a capacity to distinguish between assertion and argument. He owned the Reports were libels, and libels of the bitterest sort, as they contained nothing but truths that were equally melancholy and alarming to the credit of this country. He had been urged to appeal to the public; this appeal he was not much inclined to make: the public were perhaps more disposed to listen to the hon. gentleman than to him, and he was averse to be tried by a tribunal which could give no judgment; but he demanded the judgment of the House, and the House only could come to a decision on the point. It was the cause of the House: the House were much more interested in the issue than he was, or any individual could be; and he was perfectly indifferent to the opinion of coffee-houses and newspapers.

The papers were ordered, as were also, "Copies of all letters relative to any demand of money, or orders to take the same from the mother and grandmother of the Soubah of Oude, since the 1st of January 1782." Mr. Burke then moved for "An account of the produce of the sale of the jewels and other effects of the mother and grandmother of the Soubah of Oude, together with the account sales."

Mr. *Pitt* said, if the hon. gentleman went on in that manner, making motions for which there were no parliamentary grounds, there would be no end to it. How did that House, as a House of Parliament, know the fact, that any jewels or any valuables were taken from the mother and grandmother of the vizier of Oude? And if the motion passed, what was the proper office to expect such an account from? To relieve the House from the difficulties into which the motion would throw it, he said, he would move the order of the day.

Mr. *Burke* was astonished at the conduct of the minister; it was absurd, though not unaccountable. The right hon. gentleman

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had not given him time to state his grounds, for grounds he had, and would state. He did hope a time of reckoning would yet come, when he should be heard, and heard with a decency which the subject deserved. But the House of Commons was lost; its dignity, its energy, its utility, was no more. Did they imagine, because every thing went as they wished at present, the world was blind, or posterity would be blind to the evils they thus entailed on their country? The insensibility of government to the foul enormities lately perpetrated, and now perpetrating by our countrymen in the East, was shocking. He deprecated the day the knowledge of them had ever come to his mind. The miserable objects it exhibited, countries extirpated, provinces depopulated, cities and nations all overwhelmed in one mass of destruction, constantly preyed upon his peace, and by night and day dwelt on his imagination. To relieve that devoted country from some of the many enormities under which it had groaned so many years, he had toiled many an hour, when others were amusing themselves in a way which was likely to serve them more substantially than his labours, however assiduous and unremitted, ever had served him, or ever would. But the cries of the native Indians were never out of his ears; their distresses roused his whole soul, and had kept him busy when those who now sneered at his earnestness and sensibility were much more agreeably engaged. The facts related in papers, which, under the direction of parliament, he was obliged to read, had left on his mind such an impression of horror, as had frequently deprived him of sleep; he was consequently desirous of seeing a conclusion to such barbarities and such details, as the most savage or hardest heart could scarcely read without shuddering. To put a stop to peculation, to tyranny, and to robberies and assassinations of the most daring and shameless description, he had exerted all his faculties; he was fully committed; his character was before the public: he risked all the little popularity which his labours had procured from a grateful public. It was in hopes of breaking the spirit, or checking the operations of that inhuman system, that he had so frequently and so patiently submitted to the scorn and derision of the House and of the world.—Observing Mr. Macnamara, Mr. Rolle, Mr. Grenville, and others, laughing at his serious apprehensions, he said, the subject was a fit subject for levity.—Millions of innocent individuals had been made the victims of our indiscretion, and what reason had he to complain being made the butt of juvenile statesmen; who, like a young emperor, of as much sense, and perhaps more sensibility than they, though in one unguarded moment he fiddled at the fire which he had kindled in the metropolis of the universe, could affect to be merry at recitals which ought to make them pale. He, for his own part, thought the dreadful procedure of Providence was so strongly and obviously marked, as to have escaped no man but those who wished not to observe it. He believed from his heart, the vengeance of Heaven to be raised against this country. By authorising the massacres which had been so foully perpetrated and repeated in India, Britain was now become a land of blood. Much innocent blood had been shed, and he doubted was still shedding. But an avenger would certainly appear and plead the cause of the wronged with those who had wronged them. Yes, the arm of God was abroad. His righteous visitation was already begun, and who could tell where it might end? He knew with accuracy how to discriminate the good from the bad, those who had, from those who had not, imbrued their hands in the blood of their fellow creatures. The instruments of his wrath were infinite, and would be exercised without ceasing, till the redress of the wretched, and the punishment of the oppressors were completed. This great work Providence was visibly carrying on against a country, who, by its crooked policy, had ripened itself for destruction. What were the infatuation which seized us so generally, the debt which hung about our neck, with a weight which precipitated our downfal; our want of union, our want of principle, and our want of consequence, but certain indications of a malediction which the dreadful wretchedness we had entailed on a people much better than we, had brought at last on our own hands? After enforcing those beautiful and affecting sentiments, by a variety of pertinent and splendid passages from some of the Latin classics, nothing, he said, could be more striking and apposite than the following lines of our own poet:

"O wretched guardians of a charge too good!
Ye mean deserters of your brother's blood!
Know, if eternal justice rules the ball,
Thus shall your wives and thus your children fall;
On all the line a sudden vengeance waits,
And frequent hearses shall besiege your gates;

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There passengers shall stand, and pointing, say,
While the long funerals blacken all the way,
Lo! these were they, whose souls the furies steel'd,
And curs'd with hearts unknowing how to yield:
Thus unlamented pass the proud away,
The gaze of fools and pageants of a day.
So perish all, whose breast ne'er learnt to glow,
For others good, or melt at others woe!"

The hon. gentleman had answered these allegations—but how? His answers were before the public, and the public would judge. The reports of the committee had all their vouchers. The validity of these challenged the attention of the House and of the public at large under the sanction of parliament. Their reality had been impeached indeed, but impeached in a way which evidently shewed the impeachment was only made to serve a purpose, but never meant to provoke a trial. This was the great object of his wishes. Oh! he exclaimed, what would he not risk to find all the scenes of horror, to which no description was equal, but which were recited in those Reports, nothing but a fiction? He wished it for the honour of humanity; from sympathy to millions of hopeless individuals, and especially from an anxiety which he had long felt, to retrieve this House, this country, this generation, and even this Company, from infamy and execration. Why would not those men who had avowed so unequivocally convictions of their own falsehoods, come forward, and authenticate their allegations? He would meet them with alacrity on the spot, and in the moment he was prepared to put the truths of every statement contained in 17 volumes of Reports to the test. Where was the man who would take him at his word? He disclaimed all obstinacy of opinion. No member in the House would be more happy in the issue, should he fail in supporting his allegations, than he would be. It would, in fact, be to him a discovery more precious and grateful than the discovery of a new world. Why did not they who possessed the secret, in compassion to mankind reveal it? To this precise, but desirable object, all his endeavours went. Did they not, therefore, deserve to be seconded?

Much was said in the House, which tended to propagate an opinion that nothing was wrong in our India government. He was eager to find such an opinion well established. Nothing was more likely to decide so material a question as a revisal of what had been reported, after three years laborious diligence, by committees appointed for the sole purpose of arranging all the materials which had been produced on the subject. But whenever he urged the point, a thousand apologies were made, and his motions over-ruled. The order of the day was the only answer he could obtain to the most obvious and pertinent question he could put. Indeed the order of the day had its effect within these walls; but would the order of the day satisfy the world? Would the order of the day wipe away the disgrace which branded the character of the nation? Would the order of the day rescue the minister from reproach for thus assiduously avoiding all inquiry into the grievances of India? To these ends the order of the day was not adequate; but the order of the day, while the Company had so many of their friends in the House, would always be able to suppress disagreeable truths, to screen a notorious delinquency, and, by a shocking medley of sophistry, impudence, and vague declamation, impose on the people of England, and keep them in the dark. He could excuse an hon. gentleman (major Scott) for the part he took in the contest. He avowed an agency which required fidelity, and he had always given him credit for his indefatigable exertions and honour in thus faithfully and openly adhering to the interest of his principal: but surely the same obligation did not extend to the House in general. How was he to account for the insensibility of the young minister, who, at a time of life when compassion was in its prime, regarded the sufferers of India with so much indifference? He, more than any other, could afford them redress. The majorities which had, during the present session, so ably supported his measures, were competent to the object. The other House was wholly his own. He could not doubt but his heart would go with him. The right hon. gentleman had none of those connexions to struggle with which bound the hon. major: he had surely undertaken no agency, which it would be dishonour in any degree to relinquish. He did not represent, as personal, any great man, whom it might be dangerous to abandon or offend. The hon. gentleman, who filled this respectable situation, had executed his trust completely; and more ample powers had never been given to any man; for it seems his commission enabled him to do every thing except one, and that single exception was, that he should not resign his government of Bengal. It astonished him to recol-

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lect the process, or, rather, the farce, which this man had exhibited to his countrymen for many years. The moment he is ordered to return, his friends all pledge themselves for his obedience. But still it has happened, and probably always will happen, at least till his object is perfectly obtained, that something invariably interferes, which renders his compliance with the command of his masters, and even the authority of this House, impracticable. Beyond this limitation, it was now obvious, the powers he delegated did not extend; and it was folly, after what had passed, not to see that the whole was the effect of system. It discovered to the world to what lengths this very extraordinary agency went. It accounted for the hon. gentleman's conduct; but who would say that it had any influence on the minister? No: he was left to the freedom of his own will. His virtues, the consolation and hope of his countrymen, were not unknown. His friends hailed him as the saviour, protector, and champion of the constitution. What was there inconsistent with the qualities so frequently ascribed to him, as a man and a statesman, in redressing the grievances of many millions of people, who had no other prospect of relief? Humanity and the constitution were both on the side of the sufferers, and would co-operate with every effort he should make to relieve them. Here stand the accuser and the accused—the latter by his agent, by his friends, and by his masters (the directors), had pleaded not guilty. If any confidence was due to repeated and solemn declarations, he was ready, by these means, to disprove the charge. The judge (Mr. Pitt) sat on the bench, and was urged by every consideration which could affect the human heart, to give verdict on the cause. The indictment had no other evidence than those reports, which had been so seriously and frequently reprobated as spurious, vindictive, and inconclusive: but even by these, such as they were, he was prepared to stand or fall. Every thing, therefore, was ready, and he would protest against any farther procrastination, in a business of such importance. He had no objection to a re-examination of the Reports by a committee appointed for that purpose; or to the institution of an inquiry into the conduct, which these Reports had so explicitly criminated. The great God, whose beautiful works, the finest countries in India, were defaced, were mangled and laid waste, demanded a trial of Haman Ul Dowlah—man, who had been reduced to beggary, with all its concomitant wretchedness, called loud for justice. Great Britain, whose character and honour had received an indelible stain, waited the issue with solicitude and suspense! It became the minister of a great and generous nation, instead of laughing at the miseries of his fellow-creatures, to regard these important calls with all his attention.

Good God! he exclaimed, what must the whole world think of a young man, who could hear of oppression, peculation, rapine, and even murder, not with insensibility only, but with levity—with laughter! Whatever sport it was to the Treasury-bench, it was, he could assure them, no sport to the poor helpless men, who daily saw the effects of their industry, the means of their subsistence, extorted from them, and their families reduced to abjection and want. Why, then, did they not either bring such an enormous delinquent to justice, or legally disprove the delinquency with which he stood charged in the face of the public? He disclaimed every feeling of personal pique or aversion. Mr. Hastings had never injured or offended him. He possessed many qualities, of which he was as ready as any man to avow his admiration. He entered on the select committee with such a manifest partiality for this man, that the friends of sir Elijah Impey often upbraided him for the prejudice which they thought he entertained in his favour. He had been, like many of his betters, dazzled with the constant panegyrics which attended the mention of his name. But the huge volumes of evidence which came under his inspection, effected a complete revolution in all his ideas of this celebrated character. The inquiries, which he thought it his duty to make, were laborious, and he soon foresaw would certainly subject him to a world of obloquy and invidious remark. He persevered, however; and what was the result? He found that plunder, murder, and desolation, had been systematically pursued; that the policy of India aimed only at rapacity; that no means, however foul and atrocious, which could facilitate this end, were omitted; and that the perpetrators of all these enormities, instead of being called to an account for their actions, were supported, protected, and cherished by those whose duty it was to prosecute and to punish them. He could not, therefore, but look upon Mr. Hastings

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as the scourge of India. It was his duty, and the duty of every man who thought and felt as he did, to deliver, if possible, any part of God's creation from such a scourge. His efforts he found were much too weak, though as strong as he could make them. This dreadful Colossus was not to be shaken by any individual. He lorded it over every thing that was great and powerful and good in India, and in England. What was the present House of Commons but an engine to sanction whatever this daring man should do? But though the poor Indians were still destined to remain a prey to the governor-general; though in defending their cause against a power, which even parliament dared not, could not pull down, he had exposed himself to such a torrent of reproach and obloquy, as afforded his enemies a momentary triumph; though every thing he had said was misconstrued to feed the deception of the moment, he had this satisfaction to sweeten the cup of disappointment, that he had fought the battle of humanity; and that, as a British subject, he had laboured, though in vain, to rescue from ignominy and abhorrence the British name.

Mr. *Dempster* said, that he had accompanied, though not with equal assiduity, the hon. gentleman through a long investigation of India affairs. When he had commenced his inquiries on this subject, he had, perhaps, felt a prejudice against Mr. Hastings: he was, however, frank to own, that that prepossession had subsequently abated. The sentiments, however, of his hon. friend had been diametrically opposite to his. He had originally conceived well of Mr. Hastings; but that conception had since been extinguished, and had given way to a series of different impressions. He had the highest opinion of the honour and integrity of Mr. Hastings, and to him alone he imputed the salvation of India. He wished, for the honour of Mr. Hastings, if he was innocent, and for the justice of the country, if he was guilty, that an inquiry were established respecting him, and he was sure the hon. major wished for an inquiry as earnestly as he did. He would, therefore, concur on these principles in any measures which were likely to accomplish this end.

Mr. *Burke* rose to speak; but there was a loud and continued clamour in opposition to him.

Mr. *Grenville* said, that he was astonished that the hon. gentleman should press himself so frequently on the House; it was contrary to all rule, and if tolerated, there was an end of all debate.

Mr. *Burke* said, that he wished only to explain what he had thrown out.

The order of the day was then called for, and the usual motion made, that the Speaker do leave the chair.

Mr. *Burke* then observed, that as this was a new motion, he had a title to express his sentiments on it; and he could not do this without previously remarking the rather indecent manner in which the order of the House had been enforced, respecting him, by a young member (Mr. Grenville) who sat opposite to him. There was, perhaps, a respect to years, which was not unbecoming a young man. He was now in order to insist, that every thing he had said concerning the outrages in India was true. He denied having exaggerated a single circumstance; and protested, that exaggeration, with regard to the facts in discussion, was impossible. But this was the only mode by which his argument was to be attacked. It was always thus his reasoning was invalidated by general insinuation and surmise, which, like a stone in the hand of a David, might demolish the greatest giant on earth. It was a weapon, which, as any one might wield with success, no man—no reasoning could repel. He hoped, therefore, no honourable gentleman could expect he would fight them at such fearful odds. He had no general assertions to make; the subject on which he made his stand, was incapable of insinuation. He stood committed—the Reports stood committed—the governor-general stood committed. The contest was now reduced to a few simple facts, which the meanest understanding could comprehend as well as the most accomplished. And [laying his hand on a volume of the Reports which lay on the table] I swear, said he, by this book, that the wrongs done to humanity in the eastern world, shall be avenged on those who have inflicted them: they will find, when the measure of their iniquity is full, that Providence was not asleep. The wrath of Heaven will sooner or later fall upon a nation, that suffers, with impunity, its rulers thus to oppress the weak and innocent. We had already lost one empire, perhaps, as a punishment for the cruelties authorized in another. And men might exert their ingenuities in qualifying facts as they pleased, but there was only one standard by which the Judge of all the earth would try them. It was not whether the interest of the East India

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Company made them necessary, but whether they coincided with the prior interests of humanity, of substantial justice, with those rights which were paramount to all others. He declared he had no manner of concern with the character of Mr. Hastings. The question was not, whether he was a good father, a good husband, or a good friend; but whether he made a good governor; and whether those under his government were happy or miserable. He said, as he had not on that day been permitted to go on in a string of motions which he had proposed to submit to the House, he would now read them as part of his speech to the House. Here he read a long string of motions, all tending to introduce inquiry respecting the peculations and outrages committed in India. These, he said, he would bring forward at another period, when he hoped they would not be precluded by an incessant clamour for the order of the day; and he particularly observed, that it was hard a minister should oppose an inquiry, when the hon. major seemed so very desirous that it should immediately take place.

Mr. *Grenville* expressed his surprise at what had fallen from the hon. gentleman. If he expected that his deference for him, or for age, was paramount to his veneration for the rules of the House, he was egregiously mistaken. In doing what he did, he had only discharged his duty as a member.

The order of the day was read, which put a period to the debate.

Debate in the Commons relative to Navy Bills, Ordnance Debentures, &c.] July 28. The House having resolved into a Committee of ways and means,

Mr. *Pitt* said, he had proposed to submit to the committee some alterations in the terms on which he intended to treat with the holders of navy and ordnance bills; he was willing, as far as he could with justice to the public, to meet the complaints of the gentlemen concerned, and afford them all the relief they reasonably could expect. He did not, by this, mean to give up the former principle of dealing with them: this, as far as he could weigh it, he found to be just; and as far as he recollected, there was no opposition given to it the day he first opened it to the House. He then proceeded to state the advantages which he intended should be added to those he proposed on a former day to the holder of Bills, which were no more than an addition of one per cent. to each class; and as to the holders of ordnance bills, he thought that they ought to have interest on their debts after they were 15 months. It was alleged that the hardship in the navy bill-holders was exceeding great from the terms proposed; he would answer this objection, by saying that the discount which these gentlemen were satisfied to allow on these bills, put in comparison with what was now held out to them, was evidently an equivalent on either side; for these gentlemen knew, from past experience, what terms they must stand on with the public, who were not obliged to pay them at any particular or stated period, though they were also bound not to let the demand run out to an unreasonable length; their security was the same as ever had been in that line for which the faith of parliament was pledged; he therefore relied that no opposition would be made to a review of this business, which was carried so favourably when it was first introduced

Mr. *Fox* said, that during the bringing forward of the late taxes, he had been absent from the House. He had absented himself upon principle; that though he might not be able to approve of the measures which had been adopted, he did not at the same time think himself authorized to condemn them, or to give them opposition, unless he had been ready to suggest others less distressing to the subject. He congratulated the right hon. gentleman on his having relinquished modes of taxation which the sentiments of mercantile and manufacturing communities had so heartily disapproved. Having said this, he went into a long examination of the scheme of the payment of the navy bills, which was under the consideration of the House. He laid it down as a sacred maxim, that in all circumstances, a sacred adherence to national credit was absolutely requisite. He would however be bold to observe, that the mode proposed by the right hon. gentleman aimed a blow at the public faith of the country. According to the regulations established for the payment of the navy, every bill-holder was to be satisfied agreeably to the priority of his claim: but supposing that one of these bill-holders, from an apprehension of injury to his property, should decline accepting the proposals of the right hon. gentleman, what would be the consequence? Would the right hon. gentleman compel him to terms? And if he did not close with him on his

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proposals, would he break the public engagement with him by paying off others, who from different conceptions of his scheme, though possessed only of a posterior title to payment, might be induced to close with the terms proposed? This would surely be violating the faith of contract, and injuring the public credit. This was surely a case which could be figured; it might be called an extreme instance, but it was a supposition on which he was entitled to argue till such time as he was unreasoned on it. He then went into the discussion of the difference proposed to be established of three per cent. betwixt those of the first and second classes, as an exception to the others. He stated, that no proposal similar to the present, in which the faith of the nation was so essentially involved, had ever been made in any former period. He contended, that the offers made to the bill-holders were not inducements, but compulsions: they were compulsions of such a nature as ought to intimidate the right hon. gentleman. Did he know the sentiments of the parties with whom he was to deal? Was he aware of the consequences of their rejecting his terms, or even accepting them under the circumstances of partiality? In this event the public faith would be violated, for individuals would surely be deprived of those rights, for the inviolable preservation of which the national faith was unquestionably pledged. He alluded to the mode practised respecting the payment of the navy bills at the conclusion of the last war. Those who refused the offers made them by government, were paid at par. He would therefore contend, that if some such mode were not adopted in the present instance, to sanction the scheme, it would form the first impeachment that had ever been directed against our national faith. He asked what it was that had given us distinction amongst the other powers of Europe? Was it not the purity and reputation of our credit? It was this that had conciliated confidence from every quarter, and furnished us with those resources which were the foundations of our distinction and of our grandeur. Why were taxes imposed? Why was the subject burthened? Was it not to support the national credit? Shake this pillar of the state, destroy it even in speculation, and that fabric which had existed by its justice for so many ages, that fabric, which was the admiration of surrounding nations, would drop into ruin.

Mr. *Pitt* agreed with the right hon. gentleman precisely in his ideas respecting the public credit. He differed, however, from him in the application of his reasonings to the present point. He contended that there was no intention to deprive individuals of their rights, or to compel them to accept of offers which could not be justified on the principles of equity. He asserted that the price which he had proposed had been adopted at the conclusion of the last and former wars, and differed in no respect from its circumstances. This was at least some satisfaction, as it tended to convince the committee, that there was no proposed innovation of right. He questioned whether the case on which the right hon. gentleman had reasoned was even supposable. He insisted that national convenience and credit were never to be separated. He hoped therefore that on these grounds, the right hon. gentleman would see no absurdity in his plan, more especially as a composition bill of a similar nature had been passed at the conclusion of the last war.

Mr. *Fox* still insisted, that paying the posterior bill-holder before the anterior, was an infraction of an engagement, incompatible with the justice of this country. The scheme which he had suggested, of paying all off at par, was surely preferable. The right hon. gentleman had adverted to the India Bill. He would not have troubled the committee on that subject, if he had not turned their attention to it. He could not, however, help remarking that that Bill, amended as it now was, had only served to confirm his belief of a truth, which his acquaintance with India matters had originally impressed him, that there was no alternative, but either to invest others with a right of management of the concerns of the Company, or to leave them in the hands of those persons who had been accessary to measures which were the sources of all those evils which had introduced ruin into their affairs. By the regulations about to be established, these persons were still invested with their former powers; and he was afraid that this country had nothing to look for but the continuation of all those evils which had disgraced its character, and that the unfortunate inhabitants of the East were still to be exposed to all the barbarities which had rendered the name of Britons among them infamous and detested. He prayed to God that he might be mistaken on this subject; but such were

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his impressions, that he could not suppress them, even in this period of business, to the committee.

Mr. *Hussey* strongly objected to the postponement of the payment of the navy bills for two years. He was clearly of opinion that government ought to discharge them at once, as the sum they proposed to save by thus deferring the payment would be trifling in the extreme.

Mr. *Hammet* also condemned the proposition; he said that the bill-holders would be sufferers by it to a very great degree.

Lord *North* wished his right hon. friend would not take the sense of the committee on the proposition, as the consequences of such a step might be disagreeable. A resolution had already passed the committee on a former day, and a bill had been ordered in upon it, for granting much less advantageous terms to the bill-holders than the present; if this, therefore, should be negatived, the former must remain in force, to which probably these gentlemen would not agree; and then they would expect to be paid off at par, to the great inconvenience of the public.

Mr. Fox consented, and the question was put and carried.

August 6. The House having resolved itself into a committee of ways and means,

Mr. *H. Thornton* moved, that the petition from the navy bill-holders might be referred to the committee. He stated, that the objections made by the petitioners to Mr. Pitt's scheme rested on three distinct grounds. He said, they consisted of their dislike of the idea of certain discounts to be made in the different classes of bills, of their complaints of the hardship of having the new stock estimated to them at 93, when in fact the price in the market was no more than 91, and of their not considering the clause, providing that the 5 per cent. should not be redeemed till 25 millions of the 3 per cents were paid off, as any great advantage. He saw no absolute necessity for an option being given to navy bill-holders. The profit made upon navy bills during the whole time of the late war had been 9 per cent. upon an average, and therefore it was not unreasonable for the present holders to expect to make as much. He stated, that navy bills were held and dealt in chiefly by mercantile persons, and that consequently the profits of navy bills were governed rather by the ordinary size of mercantile profit, than by the established rate of the interest of money. He declared the making the stock irredeemable till 25 millions of 3 per cents were paid off, was so little thought of by himself, compared to the charging the navy bill-holders 2 per cent. more than the market price for the 5 per cent., that he would readily consent to give up that advantage, provided the right hon. gentleman would remit the additional 2 per cent., and agree to let the navy bill-holder take the stock at 91. He owned, likewise, that he thought the dividing the navy bills into classes was perfectly reasonable; and said, he saw not how distributive justice could be impartially dealt out without it. He concluded with moving, that the petition be referred to the committee.

Mr. Chancellor *Pitt* began with acknowledging the candour with which his hon. friend had opened the business of the petition. He said, he had, since the subject had been last under discussion, revolved in his mind all the arguments *pro* and *con*; and the more he had considered them, the more fully was he convinced that there was nothing in the measure likely to injure public credit, or that bore the resemblance of a violation of the public faith. He observed, that Mr. Fox had made objections to the plan of paying off the navy debt by a substitution of a 5 per cent. fund, extremely different from those stated that day by the hon. gentleman. The right hon. gentleman's principal objection had been, that there was no option given to the navy bill-holder, nor any alternative; whereas the hon. gentleman had now declared, that he did not think any option necessary. Mr. Pitt said, there was an option on the present occasion, because what was proposed, was not a paying off of the navy debt, but a voluntary substitution offered to the navy bill-holders, which they might accept or not and which, if they did not accept, did not alter the claim or security they possessed. He said farther, that he felt himself fortified by precedent, as exactly the same conduct had been observed upon funding of the navy debt in 1763, at the end of the war preceding the last, at the end of the war preceding that, and in queen Anne's time, no option having been then given to the navy bill-holders. So much, therefore, for that principal objection of the right hon. gentleman, with regard to the option and the alternative. The next

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objection was that of breaking the course of payment of the navy bills, by suffering some of the lately issued bills to be paid before those of the first class, which had been issued much longer. To this objection the first argument applied, as applied to the former, viz. that the course and order of the bills would be no more broken in upon now, than they had been in 1763, or at any other period that he had before stated. The objections urged on this head against his plan, applied exactly to that expedient which the right hon. gentleman had stated by way of illustration. Mr. Pitt said, if objections were urged against his taking off discounts proportioned to the profits that the navy bill-holders had made, what would have been the argument had he attempted to pay off the whole 13 millions at par? An hon. gentleman (Mr. Hussey) would then have been loud in reprobating such a project; the word 'oppression,' that was used now, would have been changed for the word 'corruption,' and they would have heard of the prodigality of administration, of its attention to its dependents, of its jobbing views and designs, with a great deal more of the same kind of censure. He said, he was fully convinced of the propriety and justice of the whole of his plan; but if a cry should prevail that a blow was struck at public credit; if those who were actuated by a laudable zeal for the public credit, but who had not always felt the same zeal, chose to support and encourage that cry, and it should be the fashion, as it were, to join in it, so that there was any probability of its becoming general, perhaps all the serious consequences might follow that would deservedly follow, in case of its being his intention to do a real injury to public credit Considering the extreme delicacy of the subject, considering the transcendent importance of public credit, he should think it wise to sacrifice to men's prejudices and caprices, however ill founded; and therefore though he was fully satisfied in his own mind that the principle of taking off the discount from the different classes of bills was right, yet, to avoid even error and misconception from producing bad consequences, and from public credit being brought into danger by men's imaginations misleading them, if the House should be of opinion that the discounts had better be given up, he was willing to consent to the petition being referred to the committee for that purpose. He begged, however, to have it remembered, that he had decidedly declared such a measure was contrary to his judgment. His aim had been to bring forward such measures of finance in the course of that session, as should partake equally of vigour and economy. Thus he had been desirous of saving as much as possible for the public, in providing to pay off the debt of the navy, by different discounts on the different classes of navy bills, and by bringing forward all the debts the country owed, in order that the public should know what the extent of the burthens they ought to bear was, and that those burthens should be met as soon as possible. The money about to be given away by the abandoning the discounts, would be about 100,000*l.*; if, therefore, the House thought it right to resign it, they must do so; but he hoped it was to be understood that the rest of his plan was to remain untouched. He highly complimented Mr. Thornton on his candour and good sense; and glanced at the quantity of public debt created under lord North's administration.

Mr. *Thornton* returned his sincere thanks to the right hon. gentleman, for having consented to decline the discounts, and said, that he must nevertheless endeavour to obtain farther relief for the petitioners.

Mr. *Fox*, after returning Mr. Pitt his sincere thanks for the favour he was willing to grant, contended, that there was not any option or determination in the right hon. gentleman's plan, and denied that the precedents referred to, applied. He said, the precedent of 1763 had been partially cited, because what passed in 1764 ought to have been quoted at the same time, as it was a material part of the precedent. It was that circumstance, viz. of the navy bill-holders, who did not accept the satisfaction then offered, being paid off the whole of their demand for bills at par, that made the whole difference between the treatment the navy bill-holders received then, and the intended treatment of them now. At that time they had a security in the rational expectation of being soon paid in case they refused to accept the substitution: now, they had no such security. Instead of an option, the alternative in the present case was a menace. He proceeded to take notice of what Mr. Pitt had called an expedient of his to pay off the debt, which, he said, he had expressly declared was merely an illustration of his argument,

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and had been mentioned by him as such, and as such alone. That illustration he had used merely with a view to prove what would have been an alternative, and not in order to shew that the course of the bills would not be broken, and that some of the latest drawn might not possibly be paid off with the substitution before others of an earlier date. He contended, that according to Mr. Pitt's plan, the bill-holders would lose a part of their interest as well as their principal; arguing that the interest was not like that of the stock-holder's annuity, paid half-yearly, but in the aggregate, when the bills themselves were paid off. He wondered much at the right hon. gentleman's declaration, that he did not give up the discounts from motives of reason and justice, but to clamour and opposition. He said, the plain fact was, that the opposition were in the right, and the right hon. gentleman in the wrong, or the public voice would not have been with them. He hinted that opposition was neither very popular nor very formidable, and yet it was demonstrable the majority of the people were with them on this subject. He went over the question of which fund was the best to pay off at first, which Mr. Pitt had started, and stuck to his old argument, that one of the two extremes, a 3 per cent. or a 5 was the most preferable, declaring figures was the only thing that would not admit of a medium. He charged Mr. Pitt with having taken advantage of the candour of Mr. Thornton, who, he observed, had opened the petition liberally and handsomely as became a member of parliament, and not upon narrow and confined grounds, as if he had been the mere advocate for the bill-holders. He said, he applauded Mr. Pitt's not consenting to take the 5 per cent. according to the present market price, because that price might be artificial, and might be ascribed to a variety of interested causes; but, he said, he took it at 91, because the price of the four per cents proved it to be no more. He added an abundance of reasoning to prove that the petition was such as ought to be complied with, and that the bill-holders would stand in a worse state after they had refused to accept the substitution, than they stood in before. He spoke of public credit in terms of great delicacy, and insisted upon it, that the public creditor ought to be treated with respect and regard. He said, the minister had nothing to do with the navy bill-holders profits. He concluded with asserting, that the project of the right hon. gentleman would be a blow directly aimed at public credit.

Lord *Mahon* said, that it had been his misfortune, or rather it had been his good fortune, to have widely differed of late from the right hon. gentleman who spoke last. But there were some propositions that the right hon. gentleman had on that day advanced, to which he could not refuse his most cordial assent. He quite agreed with the right hon. gentleman, that the persons composing the present opposition were unpopular. He was happy that the right hon. gentleman had at last completely acknowledged that fact, the truth of which he could not now call in question, but which he had so long thought proper to deny. The right hon. gentleman at last candidly owns, that the noble lord in the blue ribbon and himself are unpopular, odious, and detested. He has spoken fairly in making this confession; and he might, with equal truth, have added, that their public conduct is not more detested than it has been detestable. The right hon. gentleman has also said, "That it was the first of all principles in this free country, that men ought to have the valuation and sole management of their own property." He entirely agreed with him in that true and unquestionable proposition. But the right hon. gentleman had totally forgotten that principle, and had clearly acted in direct opposition to his own ideas of this free constitution, when in the last session of parliament he had brought forward his scandalous and unconstitutional East India Bill. He did not then leave the East India Company the privilege of valuing their own property. That execrable East India Bill, that infamous attack upon the constitution, would have wrested from the Company the whole management of their own affairs. The right hon. gentleman had, therefore, acted in that instance contrary to his own conscience and to his own conviction, as well as contrary to one of the first and fundamental principles of justice in a free country. He had done this, not for the sake of the liberties of India, but in order to enslave England. He had done this, not for the sake of public credit, to which he pretends himself a friend, but in order to seize the power, the patronage, and the management of the Indies for himself. The right hon. gentleman has, however, on this day, done such complete homage to the

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principles of those who opposed his infamous Bill, that it looks almost as if he was seeking for a coalition with the present administration. The right hon. gentleman has said, that no discount ought to be taken from any of the navy bills proposed to be funded this year. Does he mean to contend, that a bill should be paid off in two years, or at a later period? If he means that three years or more, after the date of a bill, be time enough to discharge such bill, then he has no right to contend that a bill of 1782 should be paid off this year: and if the Chancellor of the Exchequer proposes to fund such bills this year, that is, to fund them before their regular time of payment, the right hon. gentleman (Mr. Fox) cannot in fair argument assert, that the minister, by offering to fund such bills now at a discount, does any injustice to the holders of such bills; first, because there is no compulsion to accept of that offer; and, secondly, because if such bills be new funded, they will bear upwards of 5 per cent. interest; whereas, if they continue unfunded, they will bear only four per cent. interest until they be paid off. If the right hon. gentleman means, on the contrary, to contend, that when a bill has run two years it ought to be paid off, then what right has he who was so considerable a member of the last administration, to consider himself as a friend to public credit? For, if it be a breach of public credit to permit navy bills to run above two years, then the last administration has been guilty of that breach of public credit, by having neglected last year to pay off the bills of 1781; and lord John Cavendish and Mr. Fox now stand before the country as public culprits. Did the noble lord in the blue ribbon, when he contracted this navy debt, lay it down as a fundamental principle that those navy bills were to be paid off in two years? If he did, the noble lord has in this, as in so many other respects, shewed the grossest ignorance, and the greatest inattention to the interests of the public; for, so great was the discount on those bills at the time of their date, that the interest now made by the holders of the bills is enormous. This circumstance completely justifies what was contained in his Majesty's speech when lord Shelburne was minister; namely, that this mode of borrowing money is a most ruinous expedient. This is one of the innumerable obligations which this nation has to lord North.

The debate of this day relative to the funding of this navy debt, is owing to that noble lord. The debates in this House relative to the new taxes, and all the difficulties under which this country now labours, are owing to that noble lord. To him this country is indebted for the accursed American war. To him this country is indebted for the war with France, Spain, and Holland, and the loss of Thirteen Colonies. Nothing was wanting to make the obligations of this nation to that noble lord perfect and complete, except the manner in which he has mismanaged and ruined the finances of this country. The present situation of this kingdom, and the melancholy, yet daily business of this House in laying fresh burthens on the public, does most fully justify the peace. A noble friend of mine in another House, and my right hon. friend in this, have, by that peace, procured a blessing to the nation, and rescued this country from destruction. They have been reviled, they have been abused and libelled, and a most unprincipled coalition has been formed to seize the government of the country, and to oppose that peace; which peace was to put an end to the most ruinous war this country was ever engaged in. The right hon. gentleman has boasted that lord J. Cavendish found interest for 12 millions last year. But the present Chancellor of the Exchequer has done considerably more. He has found interest for 12 millions at 5 per cent. and for 7 millions at 4 per cent. The interest of 7 millions at 4 per cent. is 280,000*l.* per annum; therefore, if lord J. Cavendish had provided last year that annual sum of 280,000*l.* that noble lord might have funded between five and six millions of navy bills last year, and have established, at the same time, a five per cent. fund, as is wisely proposed to be done this year.

Lord Mahon then answered the argument used by Mr. Fox, that public credit would be affected by the impositions now brought forwards relative to the navy bills. Lord Mahon said, that if in 1711, and at various other periods, propositions similar in principle (though not exactly similar in form) had been made, relative to the discharge of the navy debt, and if it were notorious that public credit had risen and flourished at those periods, it was an evident proof that public credit was not affected by those operations of finance. He then arraigned Mr. Fox for the great want of knowledge he had that day shewn

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upon the subject. He said, the right hon. gentleman's speech was a heap of contradictions; that he had betrayed a degree of ignorance that proved him to be perfectly unfit to speak about finance. That he (lord Mahon) would give a lesson to the right hon. gentleman, who deserved to be sent to school to learn the rudiments of calculation. A dull man would have been silent upon the subject, and an ignorant man would have hearkened to instruction: but the ability of the right hon. gentleman on other subjects had made him presumptuous in this; and his mind had so little information, and had imbibed so many prepossessions, that he probably never would be undeceived.

It had given him very great satisfaction to hear his right hon. friend (Mr. Pitt) declare, that it was his intention to establish a fund next year, to begin to redeem the public debt; and it had given him not less satisfaction to hear him also declare, that it was his intention to begin to pay off the 4 per cents first. It was an information that became his right hon. friend to give the country at this moment, and which it was highly important that the public should receive. He said, it was evident that this operation would tend immediately to raise the 4 per cents in a greater proportion than it would raise the 3 per cents; consequently, those who were to buy into the 4 per cents would be considerable gainers. The consequence of the raising of the 4 per cents will be a rise also in the new 5 per cent. stock; because the raising of the 4 per cents will give credit to a high per cent. stock: therefore it will be greatly for the advantage of the holders of navy bills to subscribe; and it is evident, from the knowledge of these things, that the 100*l.* navy is not taken too high when the minister calculates it at 93*l.*; and the raising of the 4 per cents. will not merely make this new 5 per cents equal to 93*l.*, but will make this new stock worth considerably more.

Lord *North* said, his right hon. friend had gone into the question so fully, that he had left him scarcely any opportunity of speaking to it; nor should he have risen to say a word to it, had not the noble lord thrown out something that called for an observation or two. The noble lord had talked of the quantity of debt he had occasioned the country, a subject he had always professed a readiness to meet the noble lord or any other person upon, whenever it could properly be brought under discussion. He took notice of lord Mahon's declaration, that Mr. Fox was wholly ignorant of the subject, and observed, that he did not doubt but the noble lord thought himself the only man in the House who understood every thing. His right hon. friend, he hoped, was too much of a philosopher to be very deeply affected at the severity of the noble lord, more especially as the noble lord was so impartial as to spare neither friends nor enemies, the House having the other day seen him attack an official gentleman (Mr. Rose) on whom the noble lord had pretty plentifully bestowed his charges of ignorance. Lord North rescued the last Treasury from the reprehension of lord Mahon, for not having paid off the navy debt last year, stating the late time of the session in which they had come in, and that they had raised a loan of 12 millions in three weeks. He was glad the right hon. gentleman had given up the discounts, but he wished him to take a better ground to rest his opinion upon, than fashion and clamour. With regard to fashion, he hoped it would ever be the fashion to do ample justice to the public creditor. That was the old mode of maintaining the national faith, and he flattered himself so many good consequences had been derived from it, that it was a mode that would never be suffered to go out of fashion. With regard to what the right hon. gentleman had said of clamour, the plain meaning of the right hon. gentleman was, that he had determined to shew his gratitude. He was conscious of having been more obliged to clamour than any minister that had ever existed, and therefore he was willing, on the present occasion, to humour it.

Mr. *Rose* said, that the late administration had been in time enough to have proposed the funding of the navy debt. They came in on the 2d of April, and they knew for two months before, that they would come in, the administration being out of office in effect, and doing no business all that time. Mr. Rose took occasion to say, that as it had been observed that the right hon. gentleman's taxes of this year would prove unproductive, he was persuaded, if they turned out as unproductive as the noble lord's at the head of the Exchequer last year, the country would be in a miserable condition indeed.

Mr. *Sheridan* defended the last administration, and stated, that if there was any blame due, it was to their prede-

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cessors for not having left the trace of a tax, or the outline of a budget behind them, when they quitted place. As to their not having done any business for two months before their successors kissed hands, the fact was otherwise; they had done their own business all that time, granting pensions and reversions, and titles to each other. He took notice of what lord Mahon had said of lord J. Cavendish's standing a culprit before the House, and denied that the assertion was founded. He also said, that Mr. Rose's remark about the unproductiveness of the taxes last year, was uncandid in the extreme, since what had happened to the receipt tax might have happened to any. Now the Bill to enforce it had passed, he had no doubt of its becoming extremely productive.

Mr. *Hammet* produced a list of the navy bills in the possession of one gentleman, amounting to 148,000*l.* every one of which, he said, remained the property of the original possessors. He stated the hardships of the owners of shipping employed for the government service. He said, that great numbers of ships had been chartered by the commissioners of the navy many years since; that by the charter they retained them in the service as long as they thought proper, and whenever they could procure ships at a cheaper rate, they had always discharged others. That the owners of such shipping never could take advantage of the rise of discount, but depended upon the honour and usage of the board for an increase of pay. Could any gentleman get up in his place and say, that these gentlemen ought not to be paid their money after waiting two years, and that without the smallest abatement? He assured Mr. Pitt that one reason among others for his being concerned about this measure was, because he saw it was destroying his popularity, and therefore he wished the idea of any discount to have been given up earlier, and to have defended that debate. He was glad, however, to find that he had given up the point.

Mr. *Hussey* denied, that if the whole of the navy debt had been paid off at par, he should have charged the right hon. gentleman with corruption. He had himself formerly suggested the idea of paying it all off: it might be easily done by installments. The right hon. gentleman had talked of corruption. There was a matter that was liable to some suspicion, that had not been mentioned, and that was the allowing a discount of 4 per cent., after fifteen months, on ordnance debentures. He begged to know who desired that allowance, and how it came to be granted? Ordnance debentures never had borne an interest, nor did he understand it was looked for. He suspected, therefore, that there was some job in the business. He was sure it smelt strongly of corruption.

Mr. *Rose* said, the interest on ordnance debentures had not been wantonly allowed, nor till a very strong case had been made out by the debenture-holders, who had convinced his right hon. friend that their situation was singularly hard, that many of the debentures were for old contracts, and that unless some interest was allowed them, they would be extremely ill used. With regard to the insinuation of corruption, the only way of properly answering it was by a flat denial. There was no corruption in the case, none whatever, nor any thing like a job in it.

Mr. *Courtenay* apologized for obtruding himself on the attention of the House at that late hour, which he was only induced to do from what had fallen from the hon. gentleman who spoke last in answer to what was advanced by another hon. gentleman, whose candour, integrity, and knowledge, on every point of finance, were unquestionable. He said, that interest was allowed the holders of ordnance debentures by the Chancellor of the Exchequer, to which they were not justly entitled, as the public was charged with a 4 per cent. at least, by the original terms of their contracts with the board of ordnance. This Mr. Courtenay confirmed by his own experience, as in their proposals for furnishing the same articles to the navy and ordnance, they always demanded an additional price in lieu of the interest allowed on navy bills. In lord North's administration, he remembered a pointed charge was made against the board of ordnance, and supported by the late sir George Saville (a name which every honest man in the kingdom respected and revered) for their hiring transports at a higher rate than the navy; that very reason was assigned for this seeming extravagance, and was admitted as satisfactory by the House. The hon. gentleman had alleged, that it was but fair to allow the holders of ordnance debentures interest, as several of their contracts were of long standing. This was true in some instances, but not in general; therefore the Chan-

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cellor of the Exchequer, who had so accurately discriminated, and had made such nice calculation between the different classes of the holders of navy bills, should also (for the sake of public economy) on a similar principle, have made a distinction between the holders of ordnance debentures, who contracted with the ordnance, and furnished the same article at a much higher price, and between those who had standing contracts with the board, without exacting the same profit and advantage from them. He at the same time congratulated the Chancellor of the Exchequer for his noble, liberal, manly line of conduct which he had evinced in the course of that day's debate; after defending the principle of his propositions to the navy bill-holders, he had most generously, after proving himself in the right, condescended to acknowledge himself in an error, and given up that very principle which he had demonstrated to be just, impartial, and equitable, and equally well calculated for the public and individuals. Mr. Courtenay then expatiated on the great and singular benefit of having a popular minister. If the public had not been convinced of the super-eminent virtue of the Chancellor of the Exchequer, they would not have highly resented the most distant attempts which might eventually injure public credit, by any economical innovation, however prudent and necessary. But the right hon. gentleman had hazarded his system without incurring the least danger; he might safely take any liberties with a public who idolized him, as he knew (and must have experienced it at his time of life) that when a mutual passion prevails between two lovers, freedom might be used, and complaisantly received by one party, which would have been resented with indignation if offered by another. Mr. Courtenay said, he was thoroughly convinced of the unanswerable and superior logic of the right hon. gentleman's very singular circumstance, viz. that scarce a single person from the other side of the House attempted to support the question; persuaded no doubt of the superior efficacy and energy of the right hon. gentleman's arguments. Even that learned gentleman (Mr. Dundas) obstinately persevered in sullen silence; he who was the champion of administration on every occasion; he whose merits had been found out, by the sagacity of the Chancellor of the Exchequer, in the barren mountains of the North. He had there found a hardy and intrepid man, who then lay under a proscription. He had called him forth to fight his battles, and combat by his side; he had not hitherto disappointed his expectations; his fidelity to him could only be equalled by his abilities; as he had spread the fame and virtues of the Chancellor of the Exchequer from John a Groat's House to the Land's End. Mr. Courtenay said, that at one period of the debate he sympathized with the Chancellor of the Exchequer, and lamented the very reprehensible indolence and supineness of his friends; at times he was tempted to call on the hon. gentleman whose official duty it was to assist his principal, by the classical invocation,

———Quid lates dudum *Rosa!*
Delicatura effer è terris caput,
O tepentis filia cœli

At last a noble lord, whose zeal and ingenuity were equally conspicuous, had stepped forth, and boldly accused a right hon. gentleman, (Mr. Fox) and indeed the whole House, of ignorance, because they did not seem to understand the acute and refined arguments of the noble lord, who had unfortunately entangled his understanding amidst the 3, 4, and 5 per cents, by the subtlety and dextrousness of his own argument and calculation. The wildness and flights of the noble lord could only be described in the words of the poet in the Dunciad personifying mathematics in a fit of lunacy—

Mad Mathesis alone was unconfined,
Too mad for any Navy Bills to find;
Whilst o'er the Funds he casts a maddish stare,
And running round the circle—finds it square.

At length the Petition was referred to the committee, and the Resolution moved thereon by Mr. Pitt agreed to.

Debate in the Lords on Mr. Pitt's Bill for the Government of India.] July 29. Mr. Pitt's Bill for the government of India was brought up from the Commons and read a first time, and ordered to be read a second time on Monday. In consequence of which, on the following day,

The Earl of *Carlisle* rose up to complain of such sudden and unusual proceedings. On a day of thanksgiving it was not customary to transact such important business as the first reading of a bill of such magnitude, and the appointment of a day for its second reading. On such a day no business was expected; and when it was brought on suddenly, it wore the aspect of being brought on unfairly. The

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Bill in question was essentially different from that which had been first printed by order of the House of Commons; and it required much more time than that which had been prescribed by a few of their lordships yesterday, to understand. He therefore moved, "That the order of yesterday, for the second reading of the Bill on Monday, be discharged."

Lord *Sydney* touched on the advanced stage of the season, the urgency of the business which the Bill had for its object, and, above all, the notoriety of the principles of the Bill. He therefore hoped their lordships would not reverse the order.

Viscount *Stormont* considered the sudden and secret order of yesterday as indecent in the highest degree, and unworthy of their lordships. The importance of the Bill was immense; it destroyed to a certain extent, trials by jury; it involved in it the fate of this country and the lives of millions of our fellow creatures. It ought not, by any means, to be carried through with precipitation. At this season they could not avail themselves of the abilities and experience of different learned lords who were necessarily absent.

The Duke of *Richmond* said, that the Bill was a very intelligible one, and required neither any great efforts of industry nor brightness of genius for a clear understanding of it. The noble lord had lamented the absence of certain learned lords. One learned lord he supposed to be particularly pointed at, because that learned lord would inform their lordships how inadequate, according to the present system of governing India, punishments were to crimes, and how many enormities passed unpunished; the captivity and death of lord Pigot, and the cruel mockery of 1,000*l.* fine, by way of punishment, he doubted not, were vividly impressed on that learned lord's imagination, and would, by his eloquence, be communicated with effect to their lordships. This, with other such enormities, called for a speedy remedy. There were urgent reasons for dispatch; none for delay. The former Bill had been still more precipitated than the present, if they considered that the subject of it was not then so well understood as it was now, and that it pointed at the most important revolutions in the government of this country, as well as of India. The Bill, so justly rejected, had been hurried with anxious dispatch from the Commons; read a first time on the 9th of December, and ordered for a second reading on the Monday following. There was only a difference of two days, he observed, between the periods allowed for the consideration of a new, bold, and alarming Bill, and one which, from long and much canvassing, was generally known.

Viscount *Stormont* declared, that although public rumour had brought to his ears many things in the new India Bill sometime ago, he was yet to learn, in many instances, its true meaning and import. That House was the proper place for their lordships to obtain the evidence on which they should give their voices in great and dubious questions. As to what the noble duke had said concerning the learned lord, whom he had supposed to be particularly pointed at, it was not on the absence of learned lords that he had rested his plea for delay. The principle of the Bill demanded deliberate consideration. That the management of the court of directors had been the source of our disasters in India, he conceived to be a matter that was notorious; yet the Bill before them, was to devolve the government of India into the same weak hands that had for so many years thrown and kept them in a dangerous confusion. The wolf was again to be the shepherd of the flock. The Hindoos were to be pillaged and fleeced as formerly. This was the remedy that was to be applied to evils that were considered as extreme, and applied by men who had disclaimed all palliatives. He insisted again on the indecency of carrying through the House a Bill of such vast importance.

The *Lord Chancellor* assured lord Stormont that he rose to speak on the subject before them, merely from a desire to remove his lordship's scruples, and to satisfy his feelings, and not from any apprehension that the dispatch with which it was proposed to carry the Bill through the House, would make any unfavourable impression in the world. The world, he said, was not apt to judge concerning the measures of parliament, or any measures, by such nice distinctions and formalities as occurred to his lordship, but by the obvious aspect under which they naturally appeared to the plain good sense of the bulk of mankind. The principle of the Bill, he insisted, was well known. A long continued investigation of its subject had awakened the minds of men to give it a very serious attention: even the debates in both Houses on another Bill, had sharpened their minds, and prepared them to

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see with a glance of the eye the features of this. The noble lord, he was positive, perfectly understood the Bill; and, he doubted not, was above the affectation of denying his knowledge. Much had been said concerning the precipitancy with which the Bill was carried through the House. If the principle of the Bill was understood, as it certainly was, where was the use of delay? All the clauses in the Bill, which would be understood or explained in a trifle of time, were intended to give efficacy to that principle, and their propriety or impropriety could be judged of as it was upon the spot. He acknowledged, that if certain noble and learned lords were present, and particularly a learned lord at the head of a great court of justice, they might furnish some new information, and certainly could carry on very able and ingenious debates. But, in his opinion, sufficient information had been already obtained, and the paths in which they ought to tread were sufficiently apparent. A mighty stress was laid on a difference of two days. The former Bill was read a first time on Tuesday, and ordered to be read a second time on Monday. This was read on Thursday, and ordered to be read a second time on Monday. Let us now see whether there is not such a difference between the two Bills, as does more than compensate for this difference of time allotted for their consideration. The first Bill aimed at two most important and most fatal resolutions—the one a violation of the charter, and the seizure of the property of an opulent body of our fellow subjects; the other an innovation in the balance of power and the constitution. Seven commissioners were to be appointed, who were to be invested with a very great portion of the power of the crown, as well as with the management of the affairs of the Company. They were not only to be better politicians than the court of directors, but better tradesmen too. The effects of the Company, therefore, were to be put into their hands, as if they had been lunatics or children. These were serious doings; for if the property, or, which is nearly the same thing, the management and use of the property, with the influence which that management and use bestows in society, be taken from any men, or body of men, and vested in other hands, where is the reverence due to justice, where is the security of property, where the protection of law? But if we consider the power and patronage that would have accrued to the seven commissioners, the danger is brought home more sensibly to every breast. As to what the noble lord had said of the Bill involving the fate of thousands and of millions of our fellow-subjects, whatever it might do eventually, it did not, at present, appear to deserve such lofty description. Concerning the judicature bill, and the trial of culprits, not by juries, but in a more summary manner, he observed, that there were now denominations of most valuable and respectable British subjects in that very predicament; he meant the military and naval officers as well as men. As the common law of England was inadequate to the enforcement of military discipline, so it had been found inadequate to the punishment of offenders in India; and the same principle of public utility and general expediency would justify another mode of trial in both cases. He allowed, that where a bill was obviously repugnant to justice and sound policy, it was a species of injustice and folly to allow it to pass, even through the first stages; but no such injustice or folly appeared in the face of this Bill.

The House divided on lord Carlisle's motion: Contents, 4; Not Contents, 11.

August 2. The order of the day for the second reading of the Bill being read,

The Earl of *Carlisle* rose, and after condemning the precipitation with which the Bill was forwarded, said he would just touch on one or two essential parts of the Bill, and say a word or two to its general principle. He took the aim of the Bill to to be, to confirm and establish the government of India in the hands of those whose weakness, whose want of decision, and want of capacity to govern India well, had made the ground of the necessity for the state to interfere, on every occasion in which it had interfered, since the first act of parliament had passed upon the subject. In that view of the principle of the Bill he could not but entirely disapprove of it; and when it was pretended that the directors would for the future act more wisely, more firmly, and more ably, than they hitherto had done, because that now they were to be subjected to a board as it was called, of control and superintendance, he could not but feel it as a mockery of common sense. How were the directors subject to this board of control? To what punishment, or to what censure were they obnoxious in case they refused to obey

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the orders of the board? In the Bill there was no penalty stated to oblige them to comply with the directions of the board of control, nor did it make them amenable to any jurisdiction whatever. The Bill, therefore, provided a board of control and superintendance, without investing it with the necessary powers to enable it to control that other board over which it was appointed to superintend. Here, then, was a special remedy for weakness in government! two clashing jurisdictions; the one confessedly incapable of acting decisively itself, and the other incapable, from its ill construction, to oblige the former to act decisively. His lordship next observed, that the board of control were to state their reasons in writing, when they differed from the court of directors, These reasons, he said, must be curious, and in general, he presumed, they would be nonsensical, because they must necessarily be written in the dark. He afterwards remarked, that if any difference of opinion arose between the new board and the directors upon the point, whether the matter was civil or military, or merely commercial, that then there was to be an appeal to the Lord knows who—the king in council; in other words, the king and the identical board of control. Exclusive of the objection he saw to the Bill on the ground of inadequacy and inefficiency, he never could give his consent to a Bill which instituted a new mode of judicature without the intervention of a jury. He reminded their lordships of the institution of the High Commission Court and the Court of Star-chamber, tribunals introduced originally for plausible purposes, but which, from the latitude of abuse of power that they afforded room for, became at last so universally complained of as tyrannous, oppressive, arbitrary, and unjust, that with common consent they were decried and abolished. What had happened once might happen again; evil examples ought, therefore, to be warily avoided; for this reason, before he could listen for a moment to a proposition for the introduction of a judicature so abhorrent to the genius and spirit of our free and excellent constitution, and so abhorrent to every one of its principles, he should expect to hear it proved in argument that there was an incapacity in juries in future to try the sort of crimes to come before the new tribunal, or at least to have it clearly shewn, that juries had been found incapable to try them hitherto. This he did not doubt but he should that day hear from those who were to be considered as the parents of the Bill; and he presumed he should likewise learn from them, that the jury who tried the persons accused of the arrest of lord Pigot, had shewn itself incompetent to its office. These things must be made out before their lordships ought to be induced to assent to the institution of a tribunal so new to the country as a trial without the intervention of a jury. There were besides, he said, other considerations and other doubts, which the proposal to institute such a species of judicature naturally excited, that required to be explained. According to the Bill, a certain number of the members of that House, and of the other House of Parliament, were liable to be put upon the new court of judicature. How was this to affect their natural and constitutional parliamentary functions? After they had both sat as judges and jurymen of the new tribunal, were they again to act upon the same cause, in the different capacities of jurors in the one instance, and judges in the other? Were those of the Commons who had made a part of the new judicature, to go back to the finding of an impeachment, and the management of the cause; and were the peers to act again as judges? This doubt the Bill did not attempt to elucidate or remove. On that account, and because he by no means approved of the sort of control about to be set up, which was in fact confirming the court of directors in the full possession of that, to conduct which with any good effect, either for the natives of India, themselves, or the public, long experience had proved them to be utterly incapable, he was by no means inclined to think the Bill such as was adapted to the circumstances of the case. He reminded the House of the present administration having called out for no palliatives! No half measures! preparatory to the introduction of the former Bill; and asked whether the present was pretended to be a whole measure? Had more time been allowed, he said, he would have endeavoured to have considered the subject more deeply, and to have gone into the discussion of it more fully; circumstanced as the case stood, he declared he would not object to the second reading, or propose any specific motion to their lordships on the subject.

The Bill was read a second time. On the motion, That it be committed,

Viscount *Stormont* proceeded to suggest

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such observations as had occurred to his mind upon the subject: and first he spoke generally upon the grounds of the Bill, the necessity for it, and the consideration how far it applied to the necessity of the case. He said, the crimes and enormities that had prevailed in India, to the great oppression of the natives and the disgrace of the British name, had their origin in the thirst of avarice and the lust of power, the two worst passions that could possess the human mind, where the temptations to gratify both in an inordinate degree were strong, and the means of preventing or punishing any of the practices resorted to for their furtherance were weak and difficult, from the great distance of half the globe intervening between Great Britain and India. In order to meet this evil, and effectually to remedy the inconveniencies it gave rise to, a variety of projects had been formed for the better regulation of the government of India. He had no scruple to declare it to be his decided opinion, that the only remedy likely to prove effectual, and to answer all the purposes of binding the interests of the natives and of our fellow subjects in India, and the interests of the East India Company and the public, in one common, firm, and permanent chain of prosperity, was to form a strong government in India, subject to the check and control of a still stronger government at home. How far the present Bill was calculated to provide for these objects, should be the point to which he would direct the remainder of what he had to submit to their lordships. With regard to the former part of his position, viz. the formation of a strong government in India; from what he had already said, it was almost unnecessary for him to add, that the clauses he most approved in the Bill were those that set up a supreme head of government in Bengal, to which the clauses he alluded to rendered the government of the other presidencies of Madras and Bombay subordinate and amenable. Of that he approved; but though the giving the governor-general a degree of additional power and an actual superiority over his council was right in itself, he thought it was done in an awkward manner; that which was in itself proper, he held ought ever to be done, not by a side wind, not by implication, and not in a concealed manner, but directly, clearly, and explicitly. Why give the governor-general superior power by reducing the number of his council from five to four? Why not keep it as it was, and let the council stand five, since that must be an awkward governor-general indeed, who could not contrive to have one of the council with him in all his measures. Approving however, as he did, the giving the governor-general, in fact, superior power, he did not approve of the weakening his responsibility, nor of those of the subsequent clauses that went to a point, which had, he understood, been assumed as a merit; he meant the clauses enacting that "all promotions and advancements of the officers and servants of the Company in India, as well civil as military, should be made according to seniority of appointment, in a regular progressive succession." This rule would not only operate to damp the ardour of emulation, to check the rising spirit of the youth now in Asia, and sink aspiring genius and active ability to the level of dullness and incapacity, but was particularly ill-suited to the present situation of affairs in India. Had such a clause been in effect in India at that period when colonel, afterwards lord, Clive took the command of the Company's troops, it would have deprived the public of the very essential advantages derived from the successful exercise of that officer's distinguished abilities; and in that case, in all human probability, it would not have been a subject for parliamentary discussion at that day, how the government of India could be most beneficially regulated, for every inch of our territorial acquisitions would long since have been lost to this country. His lordship then recurred to the former part of the Bill, that providing the form of government to be established at home; and in regard to this point, the noble earl who had spoken on the subject before him had so ably applied his arguments, that he would not do what that noble earl had said, the injury that must result from his attempting to go over the subject again. The noble earl had properly observed, that the general principle of that part of the Bill was to confirm the directors in the government of India, though it at the same time set up two clashing jurisdictions, neither of them efficient, and both of them calculated to produce delay and controversy. This was an exact description of the new board of control and its powers, opposed to the old board of directors and the powers suffered to remain with them. It appeared to him, that in a very short time we should see the two boards in a contest for superiority, the

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one studiously labouring at the framing of such directions as should thwart the obvious wishes of the other, and the other as constantly opposing those directions, and refusing to carry them into execution; and in such a situation, where were the compulsory means to be found in the Bill to oblige the directors to obey the board of control? With regard to the directors themselves, with whom the originating of orders in general was to remain, what might not be expected to be found in their orders? The variety of their orders reminded him of what Père Pascal made the father of the Jesuits say, in his book, of the merits of his brethen; "There is nothing that the loosest casuistry or the most direct morality may stand in need of as an argument, that may not be found in the writings of our Order." Just so with the orders of the directors. According to the best opinions upon the subject, their orders had, at different times, been as various as the dates of them; at some times a perfect system of ethics; at others dictated by timidity, irresolution, and mutability; scarcely ever firm, manly, or decisive, and least of all consistent. His lordship next remarked, that the new board, in having the power of recal, had not a sufficient check on the Company's servants in India. A power of recal, when it was to operate on ambassadors at the Hague, at Paris, or at Madrid, might be efficacious, because the operation would be short, and the effect immediate; but when the distance of time and place was so great as its arrival in India, it would be of little effect indeed. He ridiculed the idea of stating the reasons of a difference of opinions in writing, declaring, that from friendly and familiar *viva voce* communications from colleagues in office, he had often experienced much benefit and advantage; but the case would have been widely different, had his colleagues been obliged to detail their reasons for thinking either this or that particular way in manuscript.

His lordship now came to that part of the Bill, which he said was that in particular that made a requisition of some farther delay, before the House went into a committee upon it, perfectly reasonable: he meant the part relative to the institution of the new judicature, respecting which he could not but point out the difficulty the House would be put into for want of those great, learned, and professional authorities, of which their lordships were at present deprived. He had the greatest deference for the authority of the single law lord that remained with them; no man bowed more willingly to that learned lord's opinion than he did; but in a point of so much magnitude, in a circumstance so new to the British constitution, so foreign from its most known and admired principles, he could not consent to submit to any one opinion, however eminent. He would, in such a case, trust no man's *ipse dixit*, not even that of Pythagoras himself. Rumour had whispered, that in another place it had been proposed to make the clauses that related to the institution of the new court of judicature a separate Bill, and to subject them to distinct consideration. The moment it was suggested, the candor of a young and ingenious mind led the minister to accede to the fairness of the suggestion, but in consequence of being afterwards otherwise advised, he had taken upon him the ungracious office of retracting his consent, and insisted on the Bill proceeding entire as it was, though obviously containing two distinct considerations. Their lordships he was aware could not take upon themselves to separate the parts of the Bill, or divide it into two; but he hoped they would agree so far to divide the Bill into two, as to defer the consideration of the judicature part till next week, even if they took the preceding parts of the Bill into consideration on Wednesday. He next took notice of the clause, obliging every person in the service of the Company to deliver in on oath an inventory of all his property, real and personal. This he stated to be an unjust, oppressive, and unwarrantable exercise of power, confounding the innocent with the guilty in the most cruel manner, and laying down a rule that could not, but in a great variety of instances, tend to harass the conscientious and the just, while it had no operation whatever on the hardened criminal, and the practised peculator. It had been remarked by some writers of our ancient laws, that they were fetters to the weak and cobwebs to the strong. The remark was applicable to this clause: was it to be imagined, while the conscientious man, who had made but a slender fortune in India, took his oath infinitely to his own disadvantage, that the corrupt oppressor, who had amassed immense wealth, by every species of enormity and every posible abuse of power, would, on coming home, scruple

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to add one more to the catalogue of his crimes, and commit perjury as the price of their concealment? Experience contradicted the idea, and the general depravity of mind that the habits of Europeans in India but too readily induced them to imbibe, showed that it had a very slender foundation indeed. Add to this, why should men who happened to come distressed from India, be reduced to the mortifying situation of being obliged to avow their penury; a situation in which, if half the men in Great Britain who now possessed ample wealth, had been placed at particular periods of their lives, they must have been inevitably ruined, and almost put beyond a possibility of ever rising again. Many of the persons now in India were so circumstanced, that when they heard of this law, they could not, without a breach of duty, quit the country, and return home in time to escape becoming subject to its operation. He reasoned, therefore, on the extreme hardship of those being obliged to submit to it who were now in India, upon whom it would operate as an *ex post facto* law, while, at the same time, it was in effect a manifesto of remission of sins to all such, let their practices be ever so erroneous and criminal, who could get home before its operation commenced.

He proceeded to examine the institution of the new judicature. He said, it was an alarming innovation, and required to be deliberately examined, and its effect probed and considered with the most serious attention. For his part, he did not feel himself competent to hazard an opinion upon it; ignorant as he was of professional matters, he lamented that the House stood without the assistance of those noble lords whose absence he had before treated of; but he could not but coincide with the noble earl who had gone before him, in remarking on the extreme danger that had already arisen from the institution of commission courts in preceding periods of our history. He took notice of the Lord Chancellor's having, on a former day, diverted himself and the House with remarking, that the same sort of jurisdiction already prevailed in our army and navy, and that so far from its being there thought a grievance, the soldier and the sailor gloried that they had been tried by martial law, even while they still felt the smart of the lashes they had received. To treat this more seriously, it might be argued, that officers derived an equal share of honour and advantage from trial by courts martial, because they were then tried by their peers; and the members of the court knew, that they themselves were equally liable to trial, whether the charges were true or false, and that consequently it was incumbent on them to weigh well the validity of the charge itself, and the evidence urged in its support. Not so with the common soldier and sailor; the only plea to justify their being rendered amenable to trial by courts martial was, that they had entered into the army and navy, knowing to what tribunal they then rendered themselves amenable. By the present Bill, their lordships were compelled, under a certain penalty, to act as judges, when chosen thus upon the new judicature; this, he said, was the first instance of any of their lordships being forced to undertake an office, against the exercise of which he might reasonably entertain great scruples. He concluded with calling upon the candor of their lordships to allow a longer time for the consideration, before they went into a committee upon the Bill.

The *Lord Chancellor* began with declaring, that he was glad the debate was brought on, since the noble viscount had suggested a great deal of observation and argument, well worth the consideration of their lordships. With regard to the charge of precipitancy, were it really grounded, he should be extremely willing to give way to it, as he wished not to assist in pushing any measure forward that claimed to have merit as a bold and a rapid measure; such merit he disowned entirely. The principal objection urged by the noble viscount had been, that the Bill was inadequate to its object; to that position he was ready to accede, and to acknowledge that he was of the same opinion. He owned, he had wished the measure to have gone much farther, and to have been fraught with more energy; but the anxious desire of accommodating public prejudice had induced others to differ in opinion from him, and to wish to meliorate, and, in his opinion, to weaken the regulations, rather than to give them a harsh and severe aspect. The aim of the minister in framing the Bill had obviously been to adopt the best and most unexceptionable set of regulations for the future government of India, without pretending that they were fully adequate to the object, or to his wishes, leaving it to standers-by to improve upon them. If the noble viscount,

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however, thought the present clauses too severe, what idea would he have entertained of his poor project, had that stood upon paper instead of the present Bill? In considering the observations made by the noble viscount on the subject of the Bill, he would take the latter part of his speech into consideration first, because, without any pretensions to superior learning or superior knowledge, it might be more proper for a person accustomed all his life to the study of the common law, to explain an institution of a judicatory nature, which appeared to him to have very unnecessarily excited alarm and jealousy.

His lordship then took notice of the extreme uneasiness that the noble viscount had expressed for the absence of the other learned lords, and said it might not be amiss to ask how many of the six, that belonged to that House, were at present entangled in the exercise of their professional duty? Of all that number, he could recollect but one who was so entangled; and in the commission with that learned lord, whose great abilities he was ready to admit, there were at least a sufficient number of others, one of whom might, if the occasion for that learned lord's attendance on his duty in that House was really thought to be as indispensably necessary as the noble viscount had declared it, have been spared to fill the place, and discharge the office the learned lord in question was now filling, wherever he might chance to be. But he must be forgiven if he declared, that he had no idea of any thing relative to the new judicature to be instituted under the sanction and authority of the present Bill, lying so deep as to require great professional sagacity to fish it out. He thought the whole of that part of the Bill, as well as of every other, was extremely obvious, and that it laid as level to the judgment of the most ordinary capacity as any matter could possibly lie. The whole of the noble viscount's objections, if he understood them rightly, amounted to this only: that a judicature was about to be appointed, in which the court were to act as judge and jury, and to concenter in themselves the power of determining both the law and the fact. That certainly was the case; and when the nature of the court was candidly and fairly considered, surely it would not be seriously contended to be a court liable to suspicion of being capable of acting upon motives of partiality or prejudice. Of whom was the court to consist, but of a certain number of the members of each House of Parliament, chosen by chance (the minister not being willing to risk his name in the appointment of them) and three of the judges, selected one from each court, by the choice of the several courts respectively. He admitted, that had the appointment of the court laid with the crown, the holder of the executive government, he should have had no objection, because in that the nomination of the court would have rested where the constitution clearly meant each part of the executive to rest. The nature of the evidence to be adduced before this court, was also different from the sort of evidence to be exhibited before a jury. But why was it so, but that the nature of the crimes to be tried, and the scene of the commission of those crimes lay at too great a distance from home to render it practicable for that strict sort of evidence to be given which was admissible only before a jury? According to the Bill, either the attorney-general or the court of directors, or any person whatsoever, were empowered to apply to the court to grant an information against a delinquent in India. In this there was nothing new, because the Act of king William gave the court of King's-bench the whole of the same power, and under authority of the said statute it had been frequently exercised. With regard to taking the power of nomination out of the hands of the crown exclusively, and giving it into other hands, he should have been full as well pleased had not this extension been made, because he was decidedly of opinion, that every man, conscious of meaning to do what was right, should despise the possibility of suspicion that might be entertained of his holding a contrary intention. It was obvious, however, in this particular, and in all the clauses of the Bill, there was a studious endeavour to put it out of the power of the most invidious to impute a design to make an ill use of the Bill, or the powers that were to arise out of it. With regard to the summary process that the Bill directed with respect to the East India delinquents, before the noble viscount, or any other noble lord, attempted seriously to argue the danger and alarm that such a circumstance warranted, they must consent to jump at once over the laws in being, that prescribed an equally summary process in a variety of instances; and in particular that numerous body of statutes, relative to shoot-

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ing deer, taking game, killing hares, &c. where the offence was cognizable before one or two justices only, and immediately judgment proceeded. In fine, where crimes of a nature unnoticed by the laws of any country were practised to an enormous extent in its provincial dependencies, and national honour, as well as the more cogent considerations of humanity and justice, called for a remedy, it was clearly sound policy to apply severe and extraordinary laws to such new and extraordinary cases.

The noble viscount has objected to the compulsory clause, which obliges every person returning from India to declare the amount of his fortune, and has expressed his astonishment that so distant a period as the 1st of January, 1787, should be fixed upon for the first operation of this clause. With respect to the clause itself, the noble viscount must know, that the rapidity with which large fortunes have been acquired in India has been a constant subject of animadversion and complaint for many years. Need the noble viscount be told, that men without family or connexions, whose avowed ostensible emoluments scarcely exceeded their acknowledged expenses, have returned, in a very few years, possessed of fortunes far beyond the amount of every rupee they received from the East India Company? If the fact is so, as it was repeatedly asserted to be during the last winter, the clause may operate to advantage hereafter. With respect to the time of its commencement, surely it is fair to give those who are to be affected by it some notice, since it is not meant to operate as an *ex post facto* law, but for the better future government of India. If the noble viscount apprehends that it is meant to give Mr. Hastings time to retire, I will venture to say, that that person will not have the smallest objection to declare the amount of his fortune; and after serving the Company above 33 years in the highest offices, and twelve years at the head of their affairs in India, the only risk he will run, by the disclosure of his circumstances, will be, that of being thought a very weak and silly man, to have taken so little care of himself as to have acquired a fortune in 33 years, so much inferior to the acquisitions of many who have not served a fifth of the time in India.

In the debate on the dividend, the Lord Chancellor, in reply to lord Stormont, begged pointedly and particularly to call the attention of their lordships to what passed the preceding year in another place. The then chairman of the East India Company, sir Henry Fletcher, who had proved his devotion to the late administration by the support he had given to their India Bill, at the very time he was at the head of that Company, whose rights were to be completely annihilated by the Bill; yet their lordships would recollect that the same sir Henry Fletcher had declared, that the proprietors had a right to a dividend of 8 per cent.; that they had fought the battles of this nation in India; and whatever distresses the Company had sustained, were brought upon them by the calamities of a war they had no concern in. Did their lordships recollect how much this Company had suffered by the measures which the unfortunate wisdom of this country had pursued? The very articles of additional freight and demurrage, in consequence of the European war, together with the value of their ships captured by the French, would, in their amount, pay a dividend of 8 per cent. for years to come. To my judgment it is incomprehensible, that when the Company was fighting for its existence, and described to be on the eve of bankruptcy, a dividend of 8 per cent. was allowed, and that it should be opposed at the present moment, when we have but just received the pleasing intelligence that peace is concluded between the Company and its last remaining enemy in India. The noble viscount talks of wringing from the hard hand of peasants their scanty pittance to support the Company. This, to be sure, sounds very fine: but how does the fact stand? The difference between us is 30,000*l.* What proportion does the dividend bear to the profits of the nation from the Company's commerce? It pays 1,300,000*l.* to the state, and the dividend is not 250,000*l.* In truth, my lords, we take the lion's share; and I conceive the credit and the justice of the country to be concerned in continuing the dividend at 8 per cent.; and I call upon any member of the late administration to tell me if it ever was an idea to reduce the dividend, if the late Bill had passed into a law.

His lordship next came to the consideration of the other objections of the noble viscount that applied to the preceding parts of the Bill; those which related to the government at home, and the government in India. Of these, he said, the noble viscount had laid it down as his

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principle for a good government in India, that the only way to obtain that object was, to make a strong government there, and to render it amenable to a still stronger government at home. To that principle he subscribed in the completest manner; and he should contend, that the principle of the present Bill, however the clauses might fall short of it in some particulars, was one and the same with the principle so well and so unanswerably established by the noble viscount. If, therefore, the principle were admitted to be right, he cared not one farthing what became of the clauses. With regard to the control which the new board was to exercise over the directors, the noble lord had said, that the latter would disobey the former, and had asked where was the compulsion, and to what punishment were the directors liable in case of non-compliance? Such reasoning, he remarked, was idle. Was it to be supposed for a moment that the directors would dare to disobey a parliamentary regulation of that sort? Or if they did, would they not be severely punished, and that in a variety of ways? They would be liable to an indictment for a misdemeanor in the first place, and to different prosecutions for distinct offences in others. With regard to the clause respecting the alteration of the council at Bengal, he could not agree with the noble viscount, that it gave the governor-general superior power awkwardly, indirectly, or by a side wind. He thought it did the thing pretty openly and plainly. The objection stated by the noble viscount relative to the next clause, that respecting the persons in the civil and military service of the Company rising by seniority, he did not think so easily surmountable. Certainly such a regulation might damp the ardor of youth, and in its consequences, that way considered, produce its share of detriment: but when the advantages one way were set against its disadvantages the other, and the intrigues and factions fomented in council, through the means of preferments lying open to the casual patronage of men in power in India was considered, perhaps the balance of benefit might be found to be rather in favour of the new regulation in this respect than against it. Having stated this fully, he justified the power of recal being lodged in the board of control, instead of a power of appointment, and entered into an argument to shew, that the sort of reasons the board were to state in writing to justify opinions, were not to be like debates in detail, but general heads of reason briefly put. The learned lord concluded with declaring, that he saw no reason why the Bill should not be committed for Wednesday next; observing, that if the noble viscount was serious in lamenting the absence of those learned lords to whom he had alluded, there was no ground for such a lamentation on his part, since it was obvious he had found time to make himself master of all the great points of that question, as well legal as political.

The Earl of *Carlisle* said, the learned lord had not answered his questions, whether a peer was bound to sit on an impeachment after he had sat on the new judicature as one of that court? Neither had he stated, why a jury would not be competent to the trial of East India delinquents?

The *Lord Chancellor* said, he had very fully, in his mind, argued in proof, that the sort of trials to be held under the new judicature, might require a species of better informed jury than a jury impannelled in the customary form, and that all the spirit and excellence of a trial by jury would be still preserved. With regard to the other question of the noble earl, viz. Whether a person, tried by the new tribunal, would afterwards become liable to a trial at the bar by impeachment; and consequently, whether any of their lordships, who had been of the court in the former instance, could sit in parliament in the latter? He did not imagine that those who had been tried before the new court of judicature, were meant to be afterwards subjected to impeachment.

The Duke of *Richmond* commended the present Bill; but said, that though it gave him pain to differ from those with whom he acted, he could not help doing so in one point, and he begged to state expressly that his reason for so differing was, not because he had signed a protest on a former occasion bearing such an import, for he should think meanly of himself if he was afraid or ashamed, under different circumstances, of avowing that he entertained a different opinion, but because he really was now of the same opinion. He had ever contended, and he still thought that the East India Company ought to be left to the management of their own affairs; and he was now persuaded the directors ought not to have their powers circumscribed by the present Bill. They were more accustomed to the

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consideration of East India subjects than his Majesty's ministers, and had no other object to direct their attention to; he could not therefore approve of the clause giving the board of control a power to originate orders in any case. He thought also, that the appointment of the commanders in chief in India ought to remain with the crown, while the Company found it necessary to employ any part of the King's army in support and defence of their territories. The judicature he highly approved, because, without being liable to any of the inconveniences that a trial by jury was liable to, according to its ordinary forms, the court itself was the most special sort of jury that could be convened, and in his opinion, the safest tribunal for any man to trust his fortune and character to. But what gave him the most favourable idea of the Bill was, its total disavowal of all patronage whatever; a circumstance exceedingly distinct from the characteristic of the former Bill, the chief aim of which appeared to him to have been, to assume an inordinate and unconstitutional degree of power, for the purpose of setting up the administration of that day on an immoveable basis. His grace said, he was persuaded that all the clamour that had been raised against the Company on the subject of their distresses, and against their servants, on the grounds of enormous corruption and oppression, had been artfully excited to pave the way for the India Bill brought into parliament before Christmas.

The duke of *Portland* denied this, and demonstrated that the sole object of the last India Bill was by direct and open means to provide the best possible government for India, without any wish or design on the part of his administration to assume power; an evident proof of which the noble duke had overlooked, viz. that a clause in that Bill subjected the board of commissioners in the most unreserved manner to parliamentary control, obliging them to lay a yearly statement of the affairs of India before both Houses, and subjecting all the commissioners separately and universally to removal, on an address from either House.

The question was put, and carried.

August 4. The House resolved itself into a committee on the Bill. When the clerk came to the clause which enacted, "that on account of the debt, said to be due to the Company, the court of directors should take into immediate consideration the difference existing between the nabob of Arcot and the rajah of Tanjore, and come to some settlement,"

Lord *Hawke* said, he could not forbear expressing his disapprobation of this clause as it now stood. The court of directors was certainly a party concerned, and therefore its members were undoubtedly persons improper to be judges on it; if any advantages were to be derived from the board of commissioners, they must clearly be in such case as this; that board was the proper place for such investigation; their lordships knew the ill effects of trusting to the decision of the court of directors; their consequences were plain, and needed no arguments to blazon them forth; and therefore, such consequences ought to be provided against in future, if possible; the Bill held forth a preventive, and he thought it would be right to adopt it: he therefore begged leave to move, that the words 'court of directors' be omitted, and that 'board of commissioners' be substituted in their stead.

Lord *Camelford* differed with the noble lord on the propriety of making such an alteration: one grand principle of the Bill was to preserve the rights of the Company untouched, and yet endeavour to render them service; now, was the alteration proposed to be adopted, it would in a great measure infringe that principle, for it would be wresting from them the right of examining their own accounts; nor did he see the necessity of it, as the board of commissioners were to examine all dispatches previous to their being sent out, and possessed a controlling power to reject those which were supposed would be detrimental to the interest and welfare of the Company.

The *Lord Chancellor* said, the suggestions certainly laid claim to some attention; and he, for one, admitted the force of them; but still, in his opinion, it would be better to let the clause stand in its present form; and if, upon consideration, an improvement to the power given to the board of commissioners was found necessary in this case, it would be more advisable to introduce an additional one for that special purpose.

The next clause that met with any objection was, that which went to punishment for the acceptance of any present whatever, unless those to the clergy and counsel in their professional line. This,

Lord *Camelford* said, he could not suffer

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to pass without expressing his sentiments upon. He had no doubt but it had been proposed from very good, principles, but they were certainly very erroneous ones; for, in his mind, it would be almost impossible to retain the friendship of the neighbouring states, if the servants there were obliged to refuse every present that might be offered; for he did not believe it would be in the power of man to convince those people, in such a case, whatever acts of friendship might be shewn them, but what there was some rancour in the heart; it would occasion jealousies in their minds, and their wishes and amity would not be cordial. He knew an improper advantage might, and he would not say had not, been taken of these gifts; but because there were, perhaps, a few instances of guilt in the Company's servants, he could not bring himself to cast so severe a reflection on the whole; the public at large were very unfavourable in their conclusions upon those who had been to India; but he possessed a very different idea to many, and was convinced that numbers returned from that country where they had served, to the total injury of their constitutions, without bringing back with them as many thousand pounds as they had been there years. He knew that was a fact; nor was it less a fact, that many of those who returned with large fortunes, returned with characters that slander could not traduce; he might, perhaps, be thought to feel himself a little interested on this subject, when their lordships reflected, that the whole of what he possessed by patrimony had come from that shore; but he trusted he should be excused in saying, that that fortune was acquired by one who never had his superior in justice and integrity: many others had come from India with as fair a character and as clear a reputation, although they might have accepted presents from the princes of that empire: it was habitual to those princes both to give and receive; and he was of firm opinion, that to restrict it altogether would be very unpleasing to those princes; he had no objection to restriction being made, and thought, if those presents were received in public, and properly accounted for, it would be productive of more advantage than being annihilated entirely.

Lord *Sydney* did not possess such an idea, that every fortune made in India was by rapacity and extortion, nor was it meant by this Bill to establish such an opinion: this was intended only to check those that were so inclined; and that there were some who came under that description, surely there was sufficient proof; there were instances of men going out with scarcely any patrimony, and returning again in a very few years with a prodigious fortune. Could it be supposed it had been made fairly? Certainly not. He remembered the words of one of the greatest soldiers and statesmen this kingdom ever knew, and from his services in that country he was fully competent to give his opinion, he meant lord Clive; who, speaking of such large fortunes being so rapidly acquired, said, that however just the disposition, the temptations were so strong, that flesh and blood could not withstand them: as a check upon these temptations was this clause only meant to act, and for that purpose he wished to see it stand part of that Bill.

The clerk then proceeded, but was stopped by

Lord *Camelford*, when he came to the part which went to prevent any servant of the Company who had been to India from returning into the service again. For what purpose this was introduced, he was unable to conceive; he could not think it possible to be meant to point at any particular person; and if it was to the body at large, sure he was that it was a very injudicious measure, and ought not to take place; for what did it set forth to do? Why, to prevent those, who, from a series of labour and attention had made themselves masters of the business and interest of the Company, because they came to England, from returning and giving the Company an opportunity of benefitting by their experience. Every man knew that a writer or cadet, when he came to India, had every thing to learn; and yet by this clause it was determined to be better to send out an ignorant youth of sixteen, who had an up-hill path to pursue to gain a knowledge of the Company's affairs, than one who had already procured that knowledge, and could immediately be of advantage; and for why? Because, truly, he had once acquired a fortune. This was not only preventing the Company from benefitting by the service of those best able to serve them, but went to throw a stigma on the character of every one who had been in that employment, which was a reflection extremely unjust; for he would not hesitate to declare, he was acquainted with several who had returned

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from India, whose characters were as irreproachable as any man's in this country. He could not think but it was an extreme hardship, that capability of fulfilling an engagement should be the strongest bar against obtaining it. It was no uncommon case for a gentleman, while resident in India, to conclude, that he had obtained a sufficiency for himself and his connexions; and under that idea to return to his native country. From long residence in a country where the manners are quite different to what they are here, it could scarcely be censurable if he retained some of their habits, and by that means lived in a very expensive style: this, together with possessing an hospitable and generous disposition, might very soon reduce his property so as to make him wish for employment again; and yet, notwithstanding he might possess the greatest talents, and from his own experience being taught the necessity of economy, he was to be precluded from serving again. Their lordships must see in this point of view, how hard it was to act on the servants of the Company, and how injurious it must be to their interest; he therefore hoped the clause would not be sanctioned with their approbation.

The Duke of *Richmond* approved of the clause. That experience which the noble lord had said so much in favour of, was part of his reason for wishing to see the clause stand; for, as it said, the youth was not experienced in acts of rapacity and extortion: the first had a long time to look forward, and might be content to increase his fortune by degrees; whereas this man of experience would reflect, he had but a short time to spare for that purpose, therefore, the sooner he completed it the better, and the more agreeable to his sentiments.

The clause was then agreed to. The clerk again read on, until he came to the one which enacted, "That every person returning from the East Indies should within two months after his return, make affidavit of the property he had acquired, and is then possessed of," when

Lord *Camelford* again rose. He said, he was quite ashamed of intruding so much on their lordships patience, but he could not resist the impulse which induced him to trespass a few moments more on that indulgence he had so largely experienced. The clause now proposed for their approbation was surely the most cruel, unjust, and oppressive that ever was brought into that House. That a man should be obliged to make an affidavit, and deliver in an inventory of his property, and that that inventory should be filed as a record in a public court, for the inspection of the whole world, who might make their comments upon it, and of which the public were generally pretty free, was a measure as yet totally unknown in this country, and which he should wish ever to remain so; and the only reason he heard assigned for adopting such a precedent was, that men might in some degree criminate themselves, and expose their guilt; it deserved condemnation even if it was likely to answer that purpose: how much more so, then, must it be, if their lordships perceived it was not adequate to do any such thing. For instance, it would only inform you, that the party was possessed of such a sum; but it would be necessary to inform you it was obtained improperly before you could criminate, unless you meant afterwards to oblige the party to account for the accumulation of every penny; and that he apprehended would be very difficult, even if he were ever so well inclined to give that information. If it was, however, conceived necessary to procure this kind of evidence to punish an extortioner, he thought it might be done more delicately, and without exposing the property of the innocent. Suppose they were to be obliged to deliver in an accurate account of their substance upon oath, sealed up, and upon any information or strong suspicion of guilt, then it should be opened and brought forward if it in any manner corroborated the charge; thus would the exposure fall on the suspicious character only, and the man of integrity enjoy his property without being subjected to the ill-natured comments of envy. He was the more against this clause, because he thought the new court of judicature that was to be established by the Bill rendered it totally unnecessary. He had heard several arguments urged against this court, but he was a friend to it, because he was firmly of opinion it would answer every purpose it was intended for, and even without such an oppressive assistant as the clause in question. What an opinion must the natives of India possess of Englishmen, if their lordships adopted such a resolution? Must they not conclude we were guilty of extortion, rapacity, and plunder? Might they not say, we were so convinced of it ourselves, that every one

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that came from thence was so strongly suspected of those crimes, that we endeavoured to make him criminate himself? Did such a character belong to Englishmen? He could not think it; they were known to be very different in their own country; nor did he believe, when they embarked for any other, that they left their honour, integrity, and humanity behind; he trusted they carried them whereever they went, and was sorry to find their own country was the first to hint such a charge against them. He did not, could not, approve the clause in any shape, not even with the amendment he had suggested, but hoped it would be objected to altogether.

Lord *Sydney* was not surprised to find the British spirit roused at the idea of innovation, and less so, that it should take the alarm with so unimpeachable a character as the noble lord who had so ably expressed his sentiments upon it; but he trusted it was in idea alone such alarming consequences would be found. The adoption of this form might be new in this country; but it was by no means new to a free state; the Dutch had long since come to a similar resolution, and obliged their governors to give in an account of their wealth as soon as ever they arrived from a foreign government; and was it not invidious to mention names, he could inform their lordships of two belonging to those states, who had fled to other countries to avoid an inquiry into the manner they had procured such immense property. It was the extortioner alone that this clause was meant to affect, and it was the extortioner alone that could be affected by it; for the man of integrity could have no need to fear an exposure of that wealth, which the manner he had obtained it would not call a blush upon his cheeks: to the other character, nothing, surely, could be too severe, nor any means that tended to bring him to punishment. This, in his opinion, would act in a great measure to that end; it might help to criminate guilt, but could not injure the innocent.

Lord *Camelford* was not induced to give up his opinion upon it by what fell from the noble lord; it rather served to confirm what he had asserted, that, to make the best of it, it would be entirely useless; for surely, if extortioners fled from such a regulation into another country where it was already adopted, it was by no means unreasonable to suppose that delinquents would take the same course to avoid crimination in this. It might still go farther; it might be the very means of preventing an opportunity to punish the offender, as he would know the consequence of returning home, which he otherwise might do while he thought there was a possibility of remaining undiscovered, and, by taking the example of the Dutchmen, fly to another, and laugh at all the laws that were made against him.

The Earl of *Effingham* said, he could not see why the man who came fairly by his property should hesitate to state it openly; he should rather think he would be happy at such an opportunity of preventing any suspicion being entertained against him.

The clause was agreed to. The remainder of the Bill was then read without any farther observations.

Protest against the Bill for the Government of India.] Aug. 9. The Bill was read a third time and passed. Upon which the following Protest was entered:

"Dissentient;

"Because we think the principle of the Bill false, unjust, and unconstitutional. False, in as much as it provides no effectual remedy for the evils it affects to cure;—unjust, as it indiscriminately compels all persons returning from India to furnish the means of accusation and persecution against themselves;—and unconstitutional, because it establishes a new criminal court of judicature, in which the admission of incompetent evidence is expressly directed, and the subject is unnecessarily deprived of his most inestimable birthright, a trial by jury.——*(Signed)*—Portland, Cholmondeley, Carlisle, Devonshire, Northington."

Debate in the Commons on the Forfeited Estates Bill.] August 2. Mr. *Dundas* moved, that the Act of the 25th of the late king, for confiscating to the use of the crown the estates of the persons therein mentioned, should be read. The Act was read accordingly; after which he moved, to go into a committee to take into consideration a motion for restoring the said estates to the heirs of the late possessors, under certain conditions, and for repealing the said Act. The motion was agreed to. Mr. Dundas then rose: he said that the principle on which his motion was founded was so just, so liberal, and so truly worthy of the generosity of parlia-

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ment, that he could foresee only one objection that could possibly be made to the proposition for restoring the estates alluded to, and that was, the very late period of the session at which it was brought forward. In answer to this objection, he would say, that if the business was in itself of a complex nature, and would naturally call for a long discussion, he certainly would have waited till the next session; but, in truth, there was nothing to be considered but the principle on which the restoration was asked; and that was so simple and so plain, that the propriety or impropriety of it might be seen at the first glance. Upon the principle, he begged then to make some few remarks. Some members might remember, and others had been informed by history, of the rebellion which happened in the north of Scotland in 1745; a number of families in that part of the united kingdom had the misfortune to engage in that rebellion, and had paid the forfeit, some of their lives and fortunes, others of their fortunes only. It was then judged necessary, in order to strike a terror into that part of the nation, that its inhabitants should be put under a kind of proscription, and thereby disqualified from serving the state in any capacity. He did not mean to give any opinion as to the policy or impolicy of such a measure; but so it was, that the highlanders of Scotland had been so proscribed till towards the close of the war immediately preceding the last; at which time they were called forth from that state of humiliation by an illustrious statesman, who, finding that the southern parts of the kingdom, exhausted of men by the war, were no longer able to furnish the necessary recruits for the fleets and armies, saw that the Highlands of Scotland were able to supply great numbers of men, resolved, like a man above the level of illiberal and injudicious prejudices, to put an end to a proscription so injurious to the community at large: he raised regiments of highlanders, and sent them to fight the battles of their country in every quarter of the world: they served with fidelity, they fought with valour, and with their blood they purchased glory to themselves, and victory to Great Britain. The statesman, to whom he alluded, was the late earl of Chatham, whose expressions relative to that transaction he had now on paper in his hand, and would read them to the House, as infinitely better adapted to the subject than any thing he could say—"I am above all local prejudices," said that great man, "and care not whether a man had been rocked in a cradle on this, or on the other side of the Tweed; I sought only for merit, and I found it in the mountains of the North; I there found a hardy race of men, able to do their country service, but labouring under a proscription: I called them forth to her aid, and sent them to fight her battles. They did not disappoint my expectations, for their fidelity could be equalled only by their valour, which signalized their own and their country's renown all over the world."

He said, it was an auspicious omen, that the first blow had been given to this proscription by the earl of Chatham, and might well justify a hope that the remains of a system would be completely annihilated under the administration of his son, who would thus complete the good work that his great father had begun. But while he was thus giving merit to his right hon. friend for the liberality of his sentiments on the present occasion, he by no means wished to be understood, that he had the exclusive merit of the measure: in justice to the noble lord in the blue ribbon, he must say, that having conversed with him several times on the subject, while his lordship was at the head of affairs, he always found him disposed to act in that business upon the most liberal, generous, and manly principles; and if the measure was not proposed to parliament during his administration, it was because a number of untoward circumstances had intervened, for which his lordship was in no degree answerable. In justice also to the administration immediately preceding the present, he said, that he found precisely the same favourable dispositions among those who composed it; and he knew, that had they remained longer in office, they would have brought forward such a proposition as that which he intended to submit to the committee. The conduct of the earl of Chatham, in taking off the proscription under which the families engaged in the late rebellion had laboured for a long time, afforded them an opportunity to atone for the crimes of their ancestors; and there was not one of all those families in which some one person had not since spilt his blood in his country's cause; and he would be bold to assert, that all remains of that spirit which had rendered the inhabitants of the Highlands disaffected to the present government, had long since disappeared; and

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that the King had not at this moment a set of more loyal subjects in his dominions. It would be generous, then, in parliament to forget the offences of the ancestors; it would be magnanimity to treat their worthy descendents like trusty and faithful subjects; and by a restoration of their estates, cancel even the remembrance of the acts by which they had been forfeited.

He proposed, that these estates, on being restored, should descend to those heirs, whether male or female, to whom they would have gone in a regular and legal course of descent, in case no act of rebellion had been committed by the ancestors: but he did not mean that they should get their lands in better condition than they should have had them, if no forfeiture had taken place; for that would be giving a premium for rebellion: he proposed, therefore, that they should get them subject to the debts that were upon them when they fell into the hands of government; and the money that should thus come to the public, should be employed in completing the navigation or canal which was to join the Firth of Forth with the Firth of Clyde, a work which would run from sea to sea: this work would be of the greatest utility to the three kingdoms, as it would enable ships of certain burthen to pass across the island, to and from Ireland, or from the eastern to the western coast of Britain, and *vice versa*, without going round either by Orkney or the English channel; and the produce of the dividends that would hereafter be made to the subscribers for carrying on this great work, and which the public would have 50,000*l.* stock, would relieve the nation from the payment of 5,000*l.* voted annually by parliament for making and repairing roads in the Highlands: such roads must be carried on; for before they had been undertaken, theHighlands being nearly inaccessible, the inhabitants were almost cut off from all communication, so that there were not means to carry civilization among them. When he was calling upon parliament to restore the forfeited estates, it was proper that he should state their value to the committee: it appeared, then, that at the expiration of some leases, of which there were above 20 years unexpired, the rent-roll would exceed 9,000*l.* a year: it would be liberal in the parliament to restore that income to the heirs of those to whom they originally belonged; but still the committee would see that it was not an extravagant boon that he asked for; however, he must inform gentlemen, that at present these estates produced no more than 6,700*l.* and deducting the expenses of management and repairs, the public received no more than 4,000*l.* per annum. He meant not to blame the board under the direction of which these estates were placed; he himself, when he filled the office of lord advocate, had a seat at that board; the gentlemen who sat at it were certainly not to blame if they were not more productive; they had discharged their trust very faithfully, and had, out of the produce of the estates, raised a noble pile of building, as a repository for the records of Scotland, which were actually in such a mouldering state, that if such a building had not been erected, they must necessarily have been totally destroyed. He said, that the proposed restoration would have a very happy effect on the minds of the people on those estates, and be eventually of great utility to the country. Some years ago emigrations had been frequent and numerous from the Highlands to America; and from late accounts from Scotland, there was reason to apprehend that the spirit of emigration was on the point of breaking out again. He was convinced, that nothing would tend more to check that spirit, if not totally destroy it, than the restoration of those estates; for trifling as it might appear, the want of the patronage of the owners of these estates, left the country without any tie upon the inhabitants: the patronage of their lords was what they looked up for; but on those estates, where the crown was the only proprietor and sole lord, the people had no patronage to look for at home; and therefore they readily became adventurers, to seek a better fortune in America. He hoped that the measure before the committee, by restoring to the tenants their old landlords, would entirely damp the spirit of emigration; and thus prove highly beneficial to the country and its manufactures. He concluded by moving, "That the chairman be directed to move, that leave be given to bring in a Bill to enable his Majesty to grant to the heirs of the former proprietors, upon certain terms and conditions, the forfeited estates in Scotland, which were vested in a board of trustees by an Act passed in the 25th year of George 2, and to repeal the said Act."

Mr. *Fox* said, the proposition had his most hearty approbation. The execu-

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tion of some, and the confiscation of the estates of others, had sufficiently atoned for their crimes; and their descendents had been sufficiently punished by 40 years deprivation of their fortunes for the faults of their ancestors. The principle of restoration was just, generous, politic, and humane, and he did not see that any one could form an objection to it. He approved so much of the principle, that he thought the proposition ought not to stop where it did; if the principle was good, it ought to be carried as far as it would go, and therefore it ought to extend to all forfeitures of estates in England, as well as in the Highlands of Scotland, for the same rebellion. Gentlemen would feel, that he alluded particularly to the case of a noble lord, to whom he had the honour of being related; he meant the earl of Newburgh, the present representative of the Derwentwater family. He did not wish to speak of crimes long since committed, and long since atoned for; nor did he mean to justify rebellion; but this much he would say, that there were circumstances in the case of the Derwentwater family, which palliated, excused, nay did every thing but justify the treason committed by it. He was aware, that with respect to the Derwentwater estate, there were difficulties, which did not exist in the cases then before the House, as the former was appropriated for the supporting Greenwich-hospital; but he submitted to the consideration of the Chancellor of the Exchequer, whether some means might not be devised to extend the munificence of parliament to lord Newburgh, to which he had as good a claim as those who were now about to enjoy it; the principle was equally applicable to all; and though he was convinced no partiality existed in the minds of those who patronized the present measure, still it would be more complete and free from cavil, if the English estates were restored as well as the Scots. He did not expect that any thing would be done in this session for lord Newburgh; but he hoped the right hon. gentleman would turn the case of that noble lord in his mind, so as to be able to propose something on that head next year.

Mr. *Pitt*, after having supported the principle of the proposition, said, he would not, however, be understood to support every application to the liberality of parliament, on the same grounds that should come recommended by humanity: the case of the noble lord alluded to was certainly hard; but, as the right hon. gentleman had admitted, there was a great difficulty in his case, which might justify a departure from the principle on which the present motion was founded; if, however, some equivalent could be devised instead of the estate, which was gone out of the crown, perhaps the nature of the case would warrant parliament in entertaining an application of that nature.

Sir *W. Conyngham* bestowed great praises on those who had brought forward and supported the proposition then before the committee, which, in his opinion, was as just as it was liberal: he was no advocate for rebels; he was the son of a father who had fought on the king's side at the battle of Culloden; but still he was bound in justice to plead for the heirs of those who fought on the rebel side; because those heirs had, by their gallant services to their country, washed out with their blood the faults of their ancestors. He, therefore, not only cordially supported the motion, but lamented that it did not go far enough; for he had heard a report, which he should never credit, unless he should hear it confirmed by the learned gentleman, that though the estates were to be restored, the patronage of the churches on them were to be retained, and reserved to the crown, as a badge of slavery on those estates: this he could not bear: presentations were the royalties of an estate; and the man must hold by a base tenure from whom these royalties were taken. General Fraser had recovered his estate; and the noble lord in the blue ribbon had generously restored the patronage with the lands: it was nobly done; but why was it not to be done also in the present case? Why was not lord M'Leod, why was not the laird of Glengary to recover the right of patronage with their estates, as well as general Fraser? This was so pitiful a thing, that if he should find there was any truth in the report, he would move a clause in the Bill that should be brought in, for the special purpose of restoring the patronage, and making it accompany the estate.

The motion was agreed to, and a Bill was brought in, which passed the Commons without opposition.

Debate in the Commons on the Bill for settling the East India Company's Dividends, &c.] Aug. 4. On the motion for the third reading of the Bill, "for the

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relief of the East India Company with respect to the payment of certain sums due to the public, and to the acceptance of certain bills drawn upon the said Company, and for regulating the dividends to be made by the said Company,"

Mr. *Eden* rose to say a few words upon an objection, which, he said, a noble friend of his had intended to suggest, but had missed his opportunity. Mr. Eden said it had been conceived, that if the objection he alluded to had been offered, many of those gentlemen who divided against them, upon remitting the interest of the debt due from the Company for duties, would have voted for them upon the other part of the Bill, viz. in favour of a proposition to reduce the dividend from 8 per cent. to 6. The reason of his thinking so was this: the Bill, as it then stood, contained two distinct propositions, the one, for respiting the duties and remitting the interest; the other, for allowing the Company to divide 8 per cent. The only way of justifying these two propositions that could possibly be resorted to, was to argue them separately, and to contend in support of the first, that the Company were so extremely poor, that they not only could not afford to pay the duties, but that they actually stood in need of farther assistance; and that with a view to afford them such assistance, it was necessary to forgive them the whole amount of the interest: and in support of the other, to take the direct opposite argument, and to contend, that their affairs were in so flourishing a condition, that they could well afford to make a dividend of 8 per cent. Now, to have a Bill go upon two such contradictory positions, was so inconsistent, that he flattered himself it would have required but little argument to have induced gentlemen to feel, that it was rather too much for common sense to admit, and of course that they would have voted for a 6 per cent. dividend instead of an 8. Indeed, he could not conceive the right hon. gentleman himself was aware of the absurdity, or he should have imagined he would have proposed, that the Company should divide no more than 6 per cent. till they had paid their debts. Mr. Eden argued farther, that there was no occasion to extend the Bill so far, since the Company themselves had not prayed for relief beyond a certain extent, and the Bill exceeded it by a whole twelvemonth.

Mr. *Pitt* begged to say one word to what had fallen from the hon. gentleman, whose arguments, however well they might sound, were more ingenious than serious. Indeed he imagined the hon. gentleman himself rather offered them as proofs of his ingenuity, than meant them to be regarded as substantial objections against the Bill. It was extremely easy to say, the Bill remitted the interest of the Company's debts, because they were too poor to pay it; and that it allowed them to divide 8 per cent. because they were rich enough to afford such a dividend; but was that in truth and in fair argument the state of the case? Certainly not. The real state of the case he took to be this: the Company, it was true, were somewhat distressed at this moment; but what he took to be their precise situation was, the medium between the two opposite opinions; they were neither so near to bankruptcy and ruin as some gentlemen imagined, nor were they in that very prosperous condition that other gentlemen were willing to believe they were. In fact, the Company, though certainly not in present prosperity, were nevertheless in that condition that came within the fair meaning of the word solvent. That he took to be the real situation of the Company, and he had formed his own opinion upon these grounds; therefore, hoping that the public hereafter would derive considerable advantages from the Company and from India, he thought it right to assist the Company on the present occasion, and to remit the whole of the interest of the debt due from them for duties. But when he proposed such a measure, he did not mean thereby to admit that the Company were warranted to claim it as a matter of right; no, he proposed it as a favour done them by the public, as a handsome and liberal act of bounty and benevolence which it became the public to perform under all the present circumstances of the case. With regard to allowing the Company to make a dividend of 8 per cent., was it to be inferred from thence, that the Company were rich enough to afford, and that the size of the dividend was governed by that circumstance solely? No such thing. The dividend of 8 per cent. was allowed, because it appeared that the credit of the Company depended materially upon their dividend; and as public credit was intimately connected with the credit of the Company, motives of policy and expediency dictated the propriety of allowing the Company's dividend to be to the

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amount of 8 per cent. With respect to the time that the Bill respited the payment of the duties, and remitted the interest exceeding the period prayed for by the Company, the difference was but trifling, and in all probability the public would receive back three-fourths of the sum before the Bill expired, in their participation of the dividend which the public would be entitled to agreeable to the act of parliament, that gives them a right to three-fourths of the dividend whenever the Company divide above 8 per cent. Mr. Pitt added other arguments to shew the probable prosperity of the Company, if their affairs were properly managed and taken care of. In confirmation of the reasonableness of this expectation, he communicated to the House the intelligence from authority that had been received by government, stating that peace was now established in India, that it prevailed there universally, and promised to be permanent.

Mr. *Hussey* desired to say a word or two upon what had fallen from the right hon. gentleman, who, he said, had not convinced him that the House were justified in giving away such a sum as 100,000*l.* of the public money to the Company, and at the same time allowing them to divide 8 per cent. He was extremely glad to hear the news which the right hon. gentleman had been pleased to communicate to the House. Every man of humanity, and every friend to his country, must be glad to hear that there was peace in India; but that did not appear to him to be an argument that applied to the present case. The Bill had not been brought in upon those grounds; let the House remember that; and, therefore, its having taken place, however a matter of general satisfaction, was not, in his opinion, an argument for so extraordinary an act of profuseness, as making the Company a free gift of 100,000*l.* of the public money. They were not entitled to any such free gift from the public. The manner in which they had conducted their own affairs hitherto did not deserve it.

Mr. *Fox* supported the arguments of Mr. Hussey. The argument of the Chancellor of the Exchequer, he said, weighed nothing, unless it could be taken as proof, that the credit of the Company depended altogether on their being enabled to divide neither more nor less than 8 per cent.; an amount of dividend which they had never reached at any time from their commercial profits alone. He stated the giving up the interest of the duties to be a most lavish waste of the public money. To justify such a transaction, by pleading the present poverty of the Company, and to allow them to make a dividend of 8 per cent. at the same time, was an inconsistency irreconcileable to common sense. The transaction altogether was such as every gentleman who had any sense of his duty to the people of England, ought to mark with the severest reprobation. A transaction so extraordinary could not be founded in the open and avowed reasons that had been assigned for it, but must have its origin in some dark and insidious purpose. Was the administration that obstinately persisted in denying the navy bill-holders their fair and equitable claims that, in the very hour in which they talked loudly of the extreme necessity of preserving the public credit sacred and inviolate, took measures effectually to wound and injure it? Was that administration to be allowed to give away 100,000*l.* of the public money, and to give it away so shamefully? Let gentlemen recollect the severe taxes they had consented to impose on the people of England. Let them remember, that to meet the necessity of affairs they had imposed taxes on our manufactures, and taxes on the necessaries of life. Taxes that reached the poor, and affected all ranks of people! And were they, at such a moment especially, to consent to a proposition so monstrous as that held out by the Bill, viz. to keep 100,000*l.* out of the public coffers, and to put it into the pockets of the East India Company? What would the people of England say, when they heard that such a sum was taken from them, and put into the pockets of the East India Company? When they coupled that measure with the Bill now in the other House for the better regulation and management of the East India Company, would they not say, that instead of establishing a good and a salutary English government in India, the tendency of all the measures lately taken, went to the establishment of an Indian government in England? Undoubtedly they would; and recent facts would bear them out in the suspicion; he cautioned the House, therefore, to take care what they were about, and to ask themselves if it was their wish to sacrifice every thing to the Company, and to establish an Indian government of Great Britain.

Mr. *Pitt* rose with some warmth to reply. He asked whether the insidious and in-

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flammatory speech of the right hon. gentleman was warranted by any thing that had passed that day? Where did the right hon. gentleman find the means of establishing an Indian government of England in the Bill then under discussion, or in his conduct respecting any other Bill not then in that House? Was it in any attempt of his to seize upon the property of the East India Company, to possess himself of its patronage, to engross the appropriation of its revenues, and to use it as the engine of lasting and permanent power? Had he set up chartered rights as matters of derision, and as matters not worth preservation? Had he endeavoured to put himself in a new situation, by creating a fourth branch of the legislature, and seizing upon the supreme authority of the state? In what did his conduct justify the invidious motives which the right hon. gentleman had thought proper to impute to him? Or if such motives were to be found any where, were they not rather to be looked for in the conduct of the right hon. gentleman himself? With regard to the dividend of 8 per cent., he had already stated, that the credit of the Company, with which the credit of the public was so intimately connected that one could not be shaken or injured without the other's very sensibly feeling it, depended upon the dividend of the Company being kept up and supported. And as to the remission of the interest of the debt of the Company, the right hon. gentleman knew, that public policy and expediency rendered a remission of the interests of all the debts due to the public equally necessary. Perhaps the right hon. gentleman knew, that there were persons indebted to the public in considerable sums, the interest of which debts ought not to be forgiven; but on the contrary, both interest and principal ought long since to have been paid in. Having pursued this strain of invective for some time, Mr. Pitt reasoned more calmly on the argument of Mr. Fox, and said, that when the right hon. gentleman chose invidiously to state, that the remission of the interest of the debt due from the Company, was keeping so much out of the public coffers, in order to put it into the hands of the Company, he well knew that it was no such thing. He knew that there was no part of the Bill, either the remission of the interest of the debt, or the allowing the Company to make a dividend of 8 per cent. that was not precisely the very thing that the right hon. gentleman had done himself when in office. Let the House recollect that the Bill of last year gave up the interest, and allowed a dividend of 8 per cent.; and let the right hon. gentleman for the future learn to act with more candor, and not attempt to blame that in others which he had before done himself! But whatever effect the right hon. gentleman might promise himself, his invidious manner of stating facts, or his inflammatory appeals to the public would produce, he would find himself miserably mistaken; he might rest assured that neither that House nor the country were so easy to be deceived and deluded as he imagined. They had formed their judgment of the right hon. gentleman by his past conduct, and they would not easily believe his assertions, or rely with much confidence on his arguments.

Mr. *Fox* said, that it was plain the right hon. gentleman had found out, what indeed it required no great degree of sagacity to discover, viz. that a Bill for the better government of India, which he had brought into the last parliament, was an unpopular Bill in that House; and having made this notable discovery, the right hon. gentleman thought proper, whenever he said any thing that did not please him, to run on in a strain of vehement declamation on the subject of his East India Bill, to vent a considerable share of invective upon it, and to ring the changes on all the various terms of obloquy and reproach that his ingenuity could suggest. This, Mr. Fox said, convinced him, that even among the fertile resources of the right hon. gentleman's mind, he found himself at a loss very frequently how to answer his arguments; and as often as he did so, a declamation upon the East India Bill served him as a substitute for reasoning; and as it was sure to catch the House, perhaps it was exceedingly wise in him to adopt such a practice. The East India Bill that he had the honour of introducing, Mr. Fox said, had been discussed again and again; it was unnecessary, therefore, for him to go into any defence of it at that time. It was a Bill, of which he never should be ashamed. The more it was discussed, and the better it was understood, the more its unpopularity diminished; this was already apparently the case without doors, and it would be one day the case within those walls, he was perfectly convinced. The right hon. gentleman had chosen to advert to a Bill brought in by a noble friend of his, no longer in parliament, and had urged that as a parallel case to the present; but was

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it so? Undoubtedly not. His noble friend had proposed, that the dividend of the Company should be after the rate of 8 per cent. for a single half year, to which he had objected in private: but his noble friend had argued with him in this manner upon the subject: "You are going to take the affairs of the Company under full discussion, and to make such regulations as shall appear to be necessary. Do not, therefore, suffer a prejudicatory idea of their affairs being in a bad condition to go forth. Allow them now to make a handsome dividend: and when you have examined their affairs, and ascertained their real situation, regulate the future dividends accordingly." In this argument there was reason and common sense; but was the case similar? Parliament had examined the Company's affairs. Parliament found them to be bad. The Bill under discussion spoke them to be bad, for it forgave them a large sum due for interest. Under such circumstances, therefore, ought a permanent dividend of 8 per cent. to be allowed? Reason, common sense, prudence, and equity, forbad it? From the Bill of his noble friend, which certainly was analogous to the present case, the right hon. gentleman had chosen to go into personal matters, and endeavour to insinuate circumstances against him, with which he had often stated he had no concern whatever. He never had argued against any public debtor, be he who he might, paying the public interest for the money in his hands, from the time that the public had a right to expect that interest, and the right hon. gentleman would never find him arguing in that way. How far it was handsome in the right hon. gentleman to run into personal matters, when they had no relation whatever to the subject under consideration, he would leave to the House to determine.

Mr. *Dundas* said, the right hon. gentleman had nobody but himself to thank for it, if any thing personal or invidious had been said in the course of that debate. Let him remember, that he had not contented himself with fair argument; he had not confined what he had said to the Bill then under consideration, but had thought proper to ascribe motives of an invidious nature to his right hon. friend, for his conduct in supporting the Bill in its present form. It was therefore the right hon. gentleman who began the personality; and it was surely justifiable for his right hon. friend in retort to say, that the undue motives imputed to him, must have suggested themselves to the right hon. gentleman's mind, in consequence of his sense of his own conduct on a former occasion. Had the right hon. gentleman been present when the Bill was in a committee, and when the blank was proposed to be filled up with 8 per cent. he would have heard his right hon. friend argue much at large, in stating the grounds on which he proposed that the Company should be allowed to make such a dividend. Now it was over, he knew no harm in stating to the House, that in fact his right hon. friend had intended, on the very morning of the day on which the blanks were filled up with 8 per cent. to have come down and proposed that 6 per cent. should be the amount to which the dividend of the Company should be confined till they paid their debts; but it was stated to him by the monied men, and those most conversant with the affairs of the Company, that above one-fourth of their whole stock was in the hands of foreigners, and that if the dividend was reduced, those foreigners would immediately conceive the Company were ruined, and would sell out; a circumstance that could not but shake the credit of the Company, and materially affect that of the public.

The Bill was then read a third time. After which Mr. Fox moved, to leave out 'eight' and insert 'six' per cent; which was negatived.

Resolution respecting the Method to be observed by Members in Franking of Letters.] Mr. *Rose* moved the following Resolution:—"That from and after the present session of parliament, no member of this House do frank any letter or packet, unless the whole superscription be in his own hand-writing, and unless, together with the name of such member, the name of the post-town from which the said letter or packet is intended to be sent, and the day of the month and year when the same shall be put into the post-office, shall be at the same time superscribed upon such letter or packet, which day of the month shall be in words at length; and that no member of this House do permit any letter or packet to be directed to him at any place, except where he shall actually be at the time of the delivery thereof, or at his usual place of residence in London, or at the lobby of this House."

Mr. *Hussey* said, he did not know whether he rightly understood the motion, but

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he conceived its meaning to be, that franks should be less general in future than they hitherto had been, with a view to increase the revenue of the post-office. He therefore hoped gentlemen who belonged to mercantile houses, and who were said to save from 3 to 800*l.* a year in postage, were meant to be restrained from receiving their letters of business, directed to the firm of the House, free. He thought it a paltry consideration for gentlemen in business to come into parliament chiefly with a view to save a few hundreds by having their letters free. If they were to tax the public, and make them pay more for postage, and at the same time to deprive them of the accommodation of franks, they ought in honour and in fairness to pass a self-denying ordinance, and to share the inconvenience with them. He hoped, therefore, it was intended to provide some such regulation under the present resolution.

Mr. *Pitt* said, the hon. gentleman's suggestion was well worth consideration; but nothing could be done, or need be said upon it, in the present stage of the business.

Mr. *Rose* reminded the hon. gentleman, that the present was merely a resolution moved for the necessary purpose of sending it to the Lords, that they might come to a similar resolution, which was an indispensable preliminary to any regulation affecting the privileges of the two Houses.

Mr. *Pulteney* feared the administration would be deceived themselves, as much as the public were undoubtedly deceived with regard to the degree of revenue likely to arise from the abolition of franking. The most sanguine expectations of those at all conversant with the subject, had never induced them to flatter themselves, that if franking was abolished entirely, more than 40,000*l.* would be the amount of additional advantage to the post-office revenue; but the public, who always judged extravagantly of the good consequence likely to result from the destruction of a privilege which they did not enjoy, imagined that the revenue of the post-office would be benefitted to the amount of 3 or 400,000*l.* if franking was entirely abolished. He feared both government and the public would be extremely deceived, and that the produce of this regulation would be little or nothing. He elucidated this remark, by observing, that when the use of franks was either wholly abolished, or so limited as to be confined to members of parliament merely, the number of letters sent by post would be considerably diminished. Franks, he observed, often produced gain to the post-office revenue, by calling forth answers to letters, the postage of which answers were paid for; and had not the franks conveyed the letters, the answers would never have been written. He argued also on the cruelty of diminishing the comfort and satisfaction enjoyed by persons at a considerable distance from each other, who conversed familiarly by letter while their letters could pass free, but who wrote about no essential business, and who would consequently cease to write at all, when it became incumbent on them to pay so heavy a tax as the price of postage for their correspondence.

Lord *Adam Gordon* said, he had been instructed by his constituents to oppose the abolishing of franking partially.

The resolution passed, and was afterwards agreed to by the Lords.

Debate in the Commons on the Commutation Bill.] Aug. 10. The order of the day being read for taking into further consideration the Report of the committee on the Bill "for repealing the several duties on tea, and for granting other duties in lieu thereof; and also, several additional duties on houses, windows, or lights, and upon the importation of cocoa-nuts and coffee, and for repealing the inland duties of excise thereon," was committed; a motion was made, That the amendments made by the committee to the said Bill be now read a second time.

Mr. *Jolliffe* said, that the Bill was liable to so much objection, that it would be better to dispose of it in that stage than to proceed with it any farther. He stated his grounds of objection under three distinct heads; the inefficacy of the Bill as to the end proposed; the inadequacy of the means whereby the end was to be obtained, and the fallacy of the Bill in assuming the title of a commutation. In proof of the first of these positions, he contended that the Bill would not put an end to smuggling, since it would oblige the smuggler to change his cargo, and induce him to deal in spirits instead of tea. Spirits, he said, were more capable of concealment than tea, as they were brought over in small casks, and might be buried under ground, or be sunk in water, without sustaining any damage. He cited the report of the smuggling committee, wherein

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it was stated that about 2,000 tons of brandy, 97,000 gallons of Geneva, and 200,000 gallons of rum were imported annually. Of these Geneva and brandy were the objects of smuggling, and surely the quantity imported afforded ample scope for the illicit trader to traffic in. With regard to the second point, he argued that it was liable to similar objection; and with regard to the third, the new tax was no commutation, but the substitution of a much more oppressive tax in lieu of the tax on teas. This commutation, he said, he would not wish to degrade by low and vulgar names, but it appeared to him to partake of the nature of a swindling transaction, and was like a man's taking your money and giving you a bad bill for it.

Mr. *Moysey* considered the Bill as objectionable in many parts, and in none more than in the clause respecting landlords in cases where a house was inhabited by more than one family. This, he said, must necessarily affect the landlords of houses usually let in lodgings. He stated, that many leases in their conditions stipulated that the landlords should receive a net rent and pay all taxes. In such cases, therefore, landlords would have to pay for their lodgers drinking tea; and certainly they might with just as much reason pay for their beef, their bread, and their candles. He argued, that if landlords had it in their power to throw it on their tenants, the tenants must in like manner have it in their power to throw it on their landlords. They must both stand on an equal footing. He pursued the hardship arising from the clause through a variety of gradations, and placed its severity and injustice in a striking point of view.

Mr. Alderman *Newnham* conceived the Bill would tend materially to check the progress of smuggling, and to promote the interest of the fair trader. The new window tax, it was true, would fall heavy on some individuals, on few more than upon himself. Let gentlemen complain of the severity of the window tax ever so much, it ought to be remembered, that when a minister took off a productive tax, with a view to discourage smuggling, he must not hazard the revenue, but adopt a tax that could be depended upon for its efficiency.

Mr. *Milnes* thought the tax would prove oppressive and severe. He reminded the House, that the tax on windows had never been a popular tax, but very much the contrary. But his fears were much extenuated, from a consideration of the whole of the conduct of the right hon. gentleman who proposed the Bill. With regard to the new taxes, that right hon. gentleman had shewn so much readiness to concede upon every point, where he could venture to do so consistently with the public safety, that he felt a thorough confidence in his proposing the present substitution.

Mr. Alderman *Watson* expressed his approbation of the Bill, which would, he was persuaded, be attended with the most salutary consequences. He said his constituents highly approved of it, and they had no concerns in smuggling. The Bill would abolish an inefficient tax, and provide a tax that would be efficient. Among other of its good consequences, the assistance it would afford the East India Company was not the least. From that circumstance the country would derive material advantages; the Company contribute to strengthen our marine, and the extension of its trade would induce it to send out perhaps 20 more ships, which would enable it to be of still more service to us, while it so completely changed the nature of the tea-carrying trade, that whereas the great foreign East India Companies now brought home the teas that were smuggled into Great Britain, they would leave off this custom, and we should supply them in future.

Sir *E. Astley* feared the new window tax would be very heavily felt in the country, and that the scheme would not prevent smuggling and insure teas cheaper to the public in the proportion that had been suggested. He entreated Mr. Pitt, as the Bill was a Bill of experiment, to make it a temporary one.

Mr. *Eden* began with controverting several of the positions of alderman Watson. As an alderman of London, it well became the worthy magistrate to say the citizens of London had no concerns in smuggling; but as chairman of the smuggling committee, it would ill become him to sit still, and admit it, after what he had heard and learnt. A second remark he must likewise combat, and that was, that the East India Company had strengthened our marine. The general opinion had been exactly the reverse. Another assertion made by the hon. alderman he must also contradict, and that was, that the Bill abolished an inefficient tax, and

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instituted one that would be efficient. The tea tax, as it stood at present, might certainly not be so productive as it was expected to have proved, but while it produced near a million of money, it could not be said to be inefficient. And with regard to the efficiency of the new window tax, he had very great doubts indeed. Mr. Eden proceeded to examine the Bill itself, and to point out passages that required alteration. He said it appeared to him to counteract its own principle. The right hon. gentleman had opened it upon a principle of substitution, but was that principle adhered to? The tax it proposed on windows, was, he perceived, a considerable alteration of the proposition upon that subject stated in the report from the committee on smuggling; that table did not carry the rates so high as they were carried in the present Bill: and indeed, to say the truth, now he saw the plan in detail, his expectations of its practicability and productiveness were much narrowed, in comparison to his ideas of the feasibility of the measure when he consented to insert the table of rates that appeared in the report of the committee on smuggling. There were parts of the Bill that required alteration; what he therefore wished for was, to have it recommitted; but first he would state one or two points, which appeared to him to require correction and explanation. In the first place, he saw not upon what principle those persons who had more than one house were to pay the duty, when those who had more than two houses were to pay it only upon two. The same reason must hold in both cases; either all houses should be subjected to the tax, or only one belonging to each person, because the owner of one or more houses could only reside in one house at a time. Another point of view in which this clause struck him as extremely oppressive, was in respect to minors and guardians. Were minors to be charged for two houses? If they were, it might become a consideration with guardians, when minors came into possession of two or more large old mansions at two years of age and under, whether it would not be more prudent to pull down the houses at once, rather than subject their wards to the expense of 40*l.* a year for almost 20 years together. Again, there was no exemption in the Bill for school houses. Now there were, he conceived, 10,000 of these buildings in the kingdom, and no tea was drunk in them of course. Why, then, ought they to be subject to the tax? Another hardship was this; there were in every county old houses full of windows, that had formerly been the mansion-houses of gentlemen, but the buildings had fallen into decay, and were now in the hands of the large farmers; and surely it was very hard to charge them after the rate expressed in the table in the Bill. Another class of houses he had lately observed, which consisted of houses of from eight to twelve windows each, that had got out of repair, and were become the residence of labourers and their families, who certainly could not afford to pay the new tax, which would in some cases more than double the rent. When the Bill was originally opened, a clause had been talked of, relative to which he had since heard nothing, and the Bill took no notice of it, though it certainly would have produced much revenue; he meant a clause obliging coffee-house keepers, masters of tea-drinking houses, and such large consumers of tea, to take out an annual license. Why this was dropped he was at a loss to imagine. Mr. Eden asked if the collectors of the new window tax were to have the same proportion of poundage upon their collection of the new tax as upon the collection of the old tax, because the sum being so much larger, he should imagine considerably less would pay them sufficiently?

Mr. *Rose* ran through most of Mr. Eden's observations, answering them one after another. With regard to minors not paying for their houses, he asked if the right hon. gentleman thought the duke of Bedford ought not to pay for his houses? His establishments were kept up there, and tea was drunk in them, though not, perhaps, by himself. So with other minors, their servants and households were in their houses, and therefore the houses ought to be charged. But if it was thought a hardship, an easy remedy was at hand. Let the guardians shut up the houses, and then they would not be charged, because no house but such as was occupied was chargeable under the Bill. With regard to the class of houses of from eight to twelve windows, inhabited by labourers, he conceived they all were exempted, the Bill enacting, that no houses, the residents in which were excused paying to church and poor, should be rateable to the new window tax. In respect to the school houses, that matter had not been over-

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looked; on the contrary, much trouble had been taken to provide an exemption, but after a considerable deal of conversation that he had held that very day with several of the persons concerned as masters of the school-houses, they had themselves been convinced that it was utterly impossible to provide an exemption, without opening a door to great abuse. With respect to the clause relative to licenses to be taken out by coffee-house keepers and inn-keepers, that had been all along under contemplation, and one or two clauses had actually been drawn, but they were not thought adequate to the purpose. Indeed, there was much greater difficulty found in managing that business than had been conceived, because every inn-keeper making coffee, and so many persons dealing in it, it was extremely embarrassing how to express any clause so as to make it embrace the whole of its object. A clause, however, would be prepared, and he meant to move it by way of rider at the third reading.

The *Lord Advocate* said, he had received numberless letters and packets from his constituents, on different public topics, but they had not in any one of them expressed themselves displeased with the proposed window tax. With regard to spirits, he had received instructions to promote any proposition for preventing the smuggling of that article as much as possible.

Mr. *Mainwaring* declared, he had drawn a clause to provide an exemption for school-houses, and he said there was no difficulty in it. He expatiated on the hardships of subjecting schools to the tax, and put the case, if a gentleman had two houses, and four or five sons at different schools, if schools were not exempted, he would pay the tax six or seven times over.

Sir *Peter Burrell* considered the tax as an addition to the land-tax, and therefore objected to it. He also particularly complained of the hardship of gentlemen being obliged to pay for two houses, as they could only reside in one, and tea was not the beverage of their grooms and men-servants, who might remain in their other house.

Mr. *Dempster* said, his constituents had not been silent on the subject. They had written to him, to require his endeavours to have the tax laid in a manner nearer to something like a degree of equality and fairness; as the tax stood in the Bill, the reverse of fairness was the characteristic of it. He said, he wondered not at the two members for the city standing up and praising the tax. It took off a heavy tax on London, and distributed it to the farthermost parts of the kingdom. In London most of the high priced tea was drunk, and in London there was the greatest facility of getting it from the India Company, and the greatest difficulty in smuggling it. The alteration, therefore, was abundantly in favour of London, and against the country, particularly the northern parts of the kingdom. He exemplified his argument by producing a written calculation of what a street in Scotland, consisting of sixty houses, would pay towards it; and how much Lombard-street, which he also conceived to contain sixty houses, would pay towards it. The inhabitants of the street in the north, he said, were but poor, and if he was able to prove that their income upon an average amounted to 50*l.* a house, he was sure he should receive the unanimous thanks of the whole street; the houses contained about twenty windows each, and the extreme of the rents, he was persuaded, was 10*l.* a house: they would pay to the new tax 2*l.* 15*s.* per house, or 165*l.* in the whole, which was one seventeenth part of their income: whereas the houses in Lombard-street, containing also about twenty windows each, rented upon an average at 100*l.* a year, and mostly inhabited by bankers and persons whose incomes were at least 2,000*l.* a year, would pay no more, so that the inhabitants of the street in London would not pay one seven hundredth part of their income. Mr. Dempster said, as he did not wish to find fault without at the same time proposing a remedy for the evil he complained of, he suggested, that in lieu of the intended tax on windows, 10 per cent. should be laid on the land-tax, which would produce 400,000*l.* An additional house-tax, according to the rate of rents 200,000*l.* more, and the rest might be laid on windows. He also pointed out the necessity of allowing the country dealers to return their stocks of unsold tea to the Company, as well as the town dealers, observing, that as the latter were near the warehouses of the Company, they could take out their teas by the single chest, whereas the country tea dealers were obliged to keep a much larger stock in hand.

Sir *Charles Bampfylde* said, that if the minister wished to preserve his popularity in the west of England, he must find out a more fair and impartial tax than the new tax on windows.

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Sir *Wm. Cunyngham* contended against it strenuously, as partial and oppressive, and particularly so with regard to Scotland. He produced a table of expenses upon black teas, by which he proved that smuggling would not be prevented by the operation of the Bill, should it pass into a law.

Mr. *Courtenay* said, he would oppose the intended substitution tax, as a zealous and hearty supporter of the present administration, because he thought it would tend very much to increase that unpopularity which they had already acquired by their whole system of taxation, and by their conduct in other instances this session. Still he admitted that the Chancellor of the Exchequer had again evinced his gratitude to the East India Company by his last exertion in their favour, as an additional window-tax would certainly promote the universal use and consumption of tea, for this solid and substantial reason: every man would now feel himself taxed for the privilege of drinking tea (whether he chose to drink it or not) therefore he would now certainly drink it (though he had never done so before) because he must be supposed to act on a rational motive, by consuming a commodity for which he must pay, rather than be under the necessity of paying for it, though he did not consume it. By this means the universal use of tea would be adopted, and of course (which was the direct object of this Bill) a monopoly be established, and a new ministerial edict be enforced in their favour, obligatory on all ranks of people in the kingdom. An hon. alderman had said, that the citizens of London had no objection to this tax, as they were not smugglers. Mr. Courtenay expressed his great satisfaction at hearing this from such good authority, as the city of London had formerly (though it seems they were now reformed) lain under such an invidious imputation: that this was even within a century the prevalent opinion, as a comic writer, who thought it expedient to introduce an alderman on the stage, at the same time dubbed him with an appellation characteristic of his profession, by calling him Alderman Smuggler. This he only mentioned, to prove the former sentiments of the public on this point, not to invalidate the hon. gentleman's assertion, but rather to congratulate him on the recent conversion of his constituents. But there was another point, on which he must beg leave to differ from the right hon. gentleman, who had talked of the mighty benefits derived from the East India Company, by increasing the number of sailors, and consequently the maritime force of this country. But if his information was well founded (and he derived it from an excellent tract on the subject, written by lieut. Tomlinson, who was generally acknowledged to have a thorough knowledge of the subject) the commerce of the Company was rather prejudicial to the maritime strength of Britain. The lieutenant alleged, that not above a third of the sailors sent out to India ever returned, and most of them so debilitated and worn out, that they were rarely fit for any other service; and he particularly pointed out the injudicious method adopted by the Company of employing English sailors on the coasting trade in India.—Mr. Courtenay then said, he should make a few observations on the principle of the tax itself. It seemed, indeed, to have been borrowed, not from any similar mode of taxation hitherto established in this country; he therefore apprehended it was borrowed from the salt-tax in France; there an impost was laid on that article, and every man was obliged to take and pay for such a quantity, whether he wanted it or not; he had no option, whether he consumed it or not he must pay for it. As the present administration had attempted to elevate the Commons of England to the same rank, and endue them with the same franchises as the French parliament, it was perfectly consistent in them to introduce a similar principle of taxation; and no doubt the people of England would be highly flattered, and perfectly reconciled to an impost which had been submitted to by a nation so highly celebrated for their superior skill in arts, arms, and sciences (especially in their management of air-balloons). Such a happy precedent would have the best effect, and prevent all murmuring and discontent; for why should Englishmen complain, when they were considered as equally entitled to the same treatment with the most polite and distinguished nation in the world? The tenderness and benignity of the Chancellor of the Exchequer was evident in another instance. The foreign companies had imported vast quantities of tea, solely to supply this market: at present there were three million of pounds at Ostend; this large stock, he was informed, had been offered at prime cost to the East India Company, and re-

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fused. Why? surely from no other motive but the generous one: they knew that this large stock must be disposed of in England at any rate; therefore, let the duties on tea and the prices here be ever so much lowered, still the foreign merchants must dispose of their stock, and consequently would still continue to smuggle their tea, and to undersel the East India Company; therefore the people of England would derive the additional advantage of buying both the foreign smuggled tea cheaper than ever, and exclusive of the essential benefits derived from this substitution tax. Here was a conspicuous proof of the minister's wisdom, who by the same Bill both checked and encouraged smuggling for the accommodation of the people of England, and in order to conciliate their affections, and to reconcile them to his new system of finance. There were also five millions of tea at Hamburgh, which would certainly be imported and sold here at the same reduced price. Some objections had been started, and answered in a most brief, summary, compendious treasury species of logic by an hon. gentleman (Mr. Rose) whose decisive information was always convincing and conclusive. It had been alleged, that this tax was partial and oppressive, and bore hard on minors. What is the hon. gentleman's solution of the difficulty? There is one method, says he, of getting rid of the tax. Let the aggrieved minor (instead of keeping a servant in the house) shut it up. It is surprising the hon. gentleman did not attempt to prove the tax was optional, as he might with equal reason and propriety have told us, "If you don't choose to pay this equitable substitution, shut up your windows, and by this means you will get rid both of the old and new tax." However, he was apprehensive, that even if the hon. gentleman's counsel was taken, it would effectually answer the purpose. The Chancellor of the Exchequer certainly imagined this sagacious mode of evading the substitution would be adopted; and therefore (in his consummate wisdom) the tax on candles preceded it; and he thus acted like an accomplished financier, justly considering, that if people shut out the light of the sun, they must burn candles; and therefore what he would lose by one tax, he would gain by the other. Several invidious reflections had, he said, been made on the partiality, inequality, and oppressiveness of this substitutional impost, but surely without good and sufficient reason. It must flatter the pride of the poor and middling rank of people to be treated as persons of consequence, and to be rated accordingly; and many shopkeepers in the country, who occupy large houses, will find themselves on a level (in point of being taxed) with the first merchants in London; and certainly this is the true criterion of the importance and dignity of every individual in a free state; the inhabitants of North Britain (though not perhaps quite so opulent) are placed on the same level with their fellow-subjects of the South, and an anonymous street in St. Andrew's pays as much to the state as the most opulent one in the metropolis—Lombard-street! Mr. Courtenay concluded by expressing in the strongest manner his sincere wish that the people in general would remain content, and submit peaceably, like good and obedient subjects, to (what might by factious men be deemed) a burthen so essential to the support of administration and of the East India Company, who might by this means, and their usual economy and good management, be enabled to pay their creditors, the bill-holders; and perhaps (from their usual principles of liberality) repay the public interest, which the Chancellor of the Exchequer, from the abundance of his gratitude, had lately bestowed on them.

Mr. Alderman *Watson* said, the hon. gentleman who spoke last, would please to remember, that if one comic writer had introduced alderman Smuggler to the stage, another comic writer had exhibited a Copper Captain. [The House burst into a fit of laughter at this retort; Mr. Courtenay having been formerly in the army].

Mr. *Fox* said, he objected to the principle of the Bill, as well as to many parts of its detail, because it was founded on a deception, and held that out as a commutation, which was no commutation whatever; on the contrary, it was taking off a tax upon a luxury, to lay a tax upon a necessary, and not only laying a tax on a necessary, but laying it in a way, at once partial, unequal, and oppressive, by making the poor pay for the rich, and taxing those that did not drink tea, in order to accommodate those who did, and to enable them to drink their tea at a cheaper rate. The Bill, to have come before the public fairly, ought to have been divided, and brought in as two bills; the one, a bill declaring, that, for the better prevention

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of smuggling, parliament found it expedient to take off the subsisting high duties on teas, and in their stead to lay a low duty of 12½ per cent. *ad valorem* only; and the other, a bill to lay certain additional duties on windows. Had the two bills been so brought in, they would have stood upon their separate principles, and might have been separately examined and discussed. There would then have been no fallacy, no deception, nor any ground for the objection he was now stating, viz. that the Bill as it stood, tended to deceive and to mislead; that it told the public it did one thing, while in fact it did another directly the reverse of what it affected to do. The new tax on windows, proposed by the present Bill, was an exceeding heavy burthen laid upon the public: he was far from saying that heavy burthens were not actually necessary; he knew they were, and however other gentlemen might think, he was convinced that still heavier burthens were necessary, and must be imposed before the country could be retrieved; but what he meant to contend for was, that when burthens were laid upon the people, there should never be practised the smallest attempt to deceive them; they should be dealt with honestly and openly, and not blinded as to the real nature of the tax, which undoubtedly they were on the present occasion, since windows had no more necessary relation to tea, than bricks, or hats, or horses, nor any other of the objects selected for taxation this year.

From this remark, Mr. Fox proceeded to consider the Bill as to its object; and he said upon this head, undoubtedly smuggling could not be prevented effectually by merely lowering the duty upon teas. Spirits, as an hon. gentleman, a friend of his, had well remarked, were an article of smuggling equally necessary to be attended to, but no man could look at the idea of extending the principle of the Bill to spirits, without feeling even more horror than they felt on the present occasion, because it was not to be borne that men should be called on to pay a tax upon their houses for drinking spirits in them. Spirits, he observed, were a species of luxury still more a luxury than tea, and to tax all descriptions of men as the present Bill did, in respect to the pretence that they might drink spirits in their houses if they chose it, was something too bad to be thought on for a moment. His grand objection to the principle of the Bill was, that it was compulsory, and not optional. This was, to the highest degree, unjust and oppressive; and this it was that took from it the semblance as well as the reality of its being a commutation. As the commencement of a system of regulation of finance, it might have been unobjectionable, had it not been compulsory. If, for instance, it had been enacted, that the occupiers of such houses as chose to drink tea were obliged to take out licenses annually, after a rate proportionable to the size of their houses, in that case it certainly would have been a commutation and an optional tax; and had persons convicted of drinking tea in their houses, without having taken out such a license, been subject to a heavy penalty, he should have thought it perfectly fair and perfectly reasonable. Such a system of regulation might have been afterwards followed by other licenses for wine, &c.; but as the tax stood in the Bill, the drinkers of tea and those who never drank tea, were confounded together; and in order to lighten the burthens which ought to have been borne by the former, the latter were taxed; and the poor, who had been too much pressed upon already by the taxes of the year, were to be ground down, and severely oppressed. Tea, Mr. Fox said, was, of all commodities, one of the best subjects of taxation, because the best possible recommendation of any taxes was, that it would be equally beneficial, whether it proved productive or not. What he meant by this was, that if the taxes proved productive, it answered that way; and, if it did not, in that case the consumption was not sufficiently great to check the consumption of some other article, the manufacture or the growth of our own country, from which a revenue equally large might be derived. If, notwithstanding that the duties hitherto paid on teas produced 900,000*l.* it was really wiser to raise that money in another way, we had not, said he, heretofore been so much obliged to the East India Company as had been thought, because that position being admitted, it followed that, without having recourse to the Company, the same revenue might have been obtained at home upon our own houses and our own windows.

He took notice of the minister's readiness to concede on any point that concerned himself and his own opinion merely, and of his obstinacy in refusing to concede in the least, where the benefit of the

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East India Company was the object. It had of late been the practice to cry up the great importance of the East India Company, and to contend, that every thing ought to be sacrificed to the benefit of that Company; he supposed, therefore, that as the present Bill had for one of its great objects the assistance of the East India Company, the minister, ready as he had been on a late occasion to concede his own opinion to clamour and to the arguments of opposition, would not on the present concede in the least, or consent to alter in any material respect, a Bill equally unwarrantable in its principle and defective in the detail of its clauses. At times, he said, he had heard taxes for luxuries called for in his mind very idly, because many such taxes, however popular they might sound when proposed, would have tended to detriment the revenue by proving unproductive. He was not, therefore, for having the idea of taxing luxuries carried to the extent that some gentlemen wished, but when a tax was laid upon tea, which undoubtedly was a luxury, but a luxury so much in use that it came near to be a necessary, and when that tax was so far efficient as to produce near a million yearly, he was not for abandoning that tax to lay a tax on an absolute necessary, which houses undoubtedly were. Nor was he quite so sure that this tax upon windows would prove as productive as was expected, or that the old window tax would continue as efficient as it had been hitherto found to be. Let gentlemen remember, that when the window tax as it stood at that day, had been last augmented and regulated, many persons blocked up several of their windows to avoid paying it; now a tax on windows, so much heavier was imposed, it was natural to expect that they would block up more, by which means not only the efficiency and productiveness of the new tax would be checked, but the productiveness of the old window tax would be diminished.

Mr. Fox, after various arguments against the general principle and the probable operation of the Bill, spoke to several of the clauses, and animadverted on the mode in which Mr. Rose had answered Mr. Eden's remarks. The general reply, he said, had been, "Oh, we shall bring up a clause for that;" and this had been repeated several times, which was a pretty strong proof of the necessity of re-committing the Bill. His right hon. friend had contended very wisely and ably, that if gentlemen having three houses were not to pay for more than two, that by a parity of argument, those who had two houses ought not to pay for more than one. This was undoubtedly fair reasoning, and the fact was, that if the present were a tax on houses, and were meant to be such, every house in the possession of any person ought to pay; if he had three, all three; if four, all four: on the contrary, if it was really designed as a mere substitute for the tea tax, in that case only one house belonging to any gentleman ought to pay it, and that the house where he himself resided, as that would be the house undoubtedly in which tea would be drunk. He declared, the only reason that struck his mind that could be urged against charging every house belonging to gentlemen who had several, was, that it was recollected the right hon. gentleman, in opening the proposition originally, had stated, that individuals would save by paying the tax instead of paying the high prices upon teas; and it was thought that, after such a declaration, it would be too much to ask a gentleman to pay for four houses, for the privilege of drinking tea in one of them. He adverted to the question about minors and guardians, and said, the hon. gentleman had not answered that, by asking whether the duke of Bedford ought not to pay the tax? Undoubtedly he ought; but as the Bill stood, the mischief was, that the duke of Bedford and a minor of a certain description, who had a fortune, not only far inferior, but scarcely equal to his support, were to pay the same exactly. Mr. Fox dwelt on this for some time, and pointed out, that by the inaccuracy of wording one of the clauses, if a person possessed a thousand, or any great number of houses, let out to more than one family each, he had it in his power to pay the tax upon no more than two of them. He explained this, by shewing that the Bill stated, that where two houses were let to more than one family, the landlord should, in that case, be taken to be the occupier; and in another part of the Bill it provided, that any person occupying more than two houses, should pay only for two. This, however, he stated rather as a proof that the Bill wanted verbal correction and amendment, than as a serious objection to it.

An hon. gentleman had compared the present proposition, which compelled all persons, whether they drank tea or not, to

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pay a tax for it, to the custom of obliging every person in France to pay a tax on salt, but greatly in his mind to the injury of the mild spirit of French taxation. There was, he said, no degree of comparison on the score of necessity between the use of salt and of tea. The latter was clearly a luxury, and no way conducive to health, perhaps far otherwise, as many had thought. Salt, on the contrary, was a necessary, and therefore it was far less oppressive to oblige all the subjects in France to purchase as much salt as it was supposed a person of any given description in life would have occasion for. Mr. Fox reprobated Mr. Rose's expression, that he had a clause to bring up as a rider, at the third reading. He declared, he never had heard such a reply come from a Secretary of the Treasury, when a Bill was in progress. Bringing up clauses by way of rider was not a matter regular, but a mere matter of resort, when any material circumstance had, through inadvertency, escaped notice, till it was too late to insert it in the body of a Bill; it was therefore an additional reason why they ought to re-commit the Bill. He said, the great amendment he wished for was, that total and material alteration of the principle of the Bill, the making it optional, and not compulsory. That alone, in his mind, could cure the defects of it; but as he did not imagine he could prevail on the right hon. gentleman to make that alteration, he must join issue with the hon. baronet, who had said he hoped, as the present was a Bill of experiment, it would be made only a temporary Bill. He thought it ought not to be rendered permanent, and indeed he heartily wished the right hon. gentleman would consent to postpone going on with the Bill till the next session. A few months could make no great difference, and the matter did not press in point of revenue. The whole of the Bill might be re-considered by the right hon. gentleman during the recess, and brought forward next year under considerable improvements. Mr. Fox recapitulated his several objections, viz. that the Bill held out a deception to the public on a subject, on which they ought to be treated with plain dealing and with confidence; that it was compulsory when it ought to be optional; that it ground the face of the poor, and imposed a general tax on all persons, as well those who drank tea, as those who did not drink it; and that it did not appear to him likely to put an effectual end to smuggling. Was he certain that it would operate as a material check upon smuggling, he owned he should like it much better; but he feared it would not. In the course of his speech, Mr. Fox often glanced at the East India Company; and before he sat down, he reminded gentlemen, that according to the forms of the House the motion must be negatived before they could re-commit the Bill; all those, therefore, who thought as he did, would join in attempting to negative the proposition.

Mr. *Pitt* said, he must beg permission of the House to say a few words on what had fallen from the right hon. gentleman, whose remarks seemed to him not at all applicable to the question; and he would begin with a word or two on the two points that the right hon. gentleman had adverted to in the conclusion of his speech, viz. the commencement and the continuance of this Bill. With regard to the first, if the Bill was delayed, what was it but giving notice to the smuggler when the battle was to begin, and saying to him, "You see we deal like men of honour, we would not make war upon you without a proper warning; we give you six months to carry on your traffic in; redouble your diligence, work double tides, for after six months you can smuggle no more." This surely would be extremely impolitic, and what applied to the commencement of the Bill, he should imagine would pretty nearly apply to its continuance; because if it would be wrong to tell the smuggler when they did intend to make war upon him, it would surely be equally wrong to tell him when the law would cease, and say to him, "Wait but a year or two with patience, and then you shall smuggle as much as ever." Another, and a still more cogent reason for losing not a moment in getting the Bill passed into a law, was the alarming defalcations daily made in the revenue by the illicit practices of smugglers, which if not effectually and immediately checked, threatened its annihilation. The tendency to prevent that, he insisted upon it, was the great and principle recommendation of the Bill, and it was an object that could not be too early endeavoured to be obtained. Having said this, he proceeded to speak to the principle of the Bill, and to prove that Mr. Fox's objections all originated in a misconception of that principle. The first objection stated by the right hon. gentleman had been, that the Bill ought to be divided into two, and

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that the right hon. gentleman had contended on the idea that two parts of the Bill were separate and distinct objects. But what was the Bill, and on what had it been founded? Had it not been brought in on the grounds of a report of their own House, appointed to inquire into the progress and extent of smuggling? Undoubtedly it had; and it appeared from that report, and was admitted by the common consent of all men who knew any thing of the subject, that unless some measure was immediately taken to check the progress of smuggling, the revenue arising from the duties on teas would be annihilated. It was, therefore, with a view to attain so desirable an end, that it had been proposed to lower them considerably, in order to be able to meet the smuggler, and by diminishing his profit, prevent him from carrying on his trade. This was the object of one part of the Bill, and the object of the other was, by a duty on windows to raise a sum to make good to the public creditor the deficiency that lowering the duties on teas would occasion. Both these objects referred to one point, and for that reason it was that he had been desirous, not of dividing the Bill into two, but of bringing the two considerations forward at once, so that the House might have the whole before them at one and the same time. On a former day, the House would recollect the right hon. gentleman had thrown out a challenge that he would prove the intended plan was no commutation, and he had at the same time declared himself ready to accept that challenge, and to put the matter to the test by the only means in which it could be decided, viz. by seeing whether the thing proposed to be done by the Bill came within the meaning of the word commutation, the signification of which he took to be the changing of one thing for another.

Mr. Pitt then went into a discussion of the component parts of the Bill, shewing, that in one the duties on teas established by former acts were abolished, and a low duty imposed; and in the other, a tax on windows was proposed with a view to raise the sum the revenue would lose by the diminution of the tea duties. That it was not strictly a commutation bearing exactly and in the same minute proportion upon each individual, he was ready to admit; nor could any such commutation have been devised but by another tax laid upon tea itself, which of course would not have effected the purpose that formed the grand object of the Bill, viz. the prevention of smuggling. But it was so far a commutation, that it laid upon the public at large, as equally as in the nature of things was possible, a tax that would produce the sum wanted to make good the deficiency occasioned by the reduction of the tax on teas; and though it might be attended with some little degree of inconvenience to particular individuals, he trusted it would not be found either severe or oppressive; and that when the public looked at the proportions of it that fell upon them to pay respectively, and compared each with the other, from the attainment of which so many benefits would arise to the country, they would pay them cheerfully, and acknowledge the advantages they derived from the alteration. The next objection of the right hon. gentleman had been, that the new window tax was not optional; the word optional, applied to the tea tax, would, he said, admit of two different constructions; people might wish for the option of the consumption of the tea, in order to choose whether they should subject themselves to pay the tax or not; or, having consumed the tea, they might wish for the option to avoid paying a tax upon that consumption; the latter was the sense in which the right hon. gentleman perhaps wished the public to have the tax made optional: as it was not his business to give them any such option, but as his duty, on the contrary, led him to take care that the tea should not be drunk unless the duty was paid, he chose rather to submit to the odium of proposing a compulsory tax, than of proposing one which, in the worst sense of the word inefficient, would be both inefficient and unproductive. With regard to what had been said of the duties on teas, he was a little amazed to hear it come from gentlemen of the other side of the House, when the practices of the smugglers were so notorious, and their progress so rapid, that unless the public would consent to bear the proposed burthen, even heavy as it was stated to be, they would run the risk of losing their existence, by being deprived of their revenue, and change for much harder task-masters than they were. But it was said, that the tax on tea, as it stood, was not an inefficient tax. Certainly, in one sense of the word, it was not so, because it was not altogether unproductive; but could that be said to be a good article of taxation which let so much of the re-

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venue go by, that upon the consumption of the commodity not above half paid any duty at all? That half would soon be reduced to a third, or even a fourth, if effectual means were not soon taken to prevent it; and he would beg leave to ask the chairman of the smuggling committee, whether, from what he knew of the subject, he dared count upon teas as a permanent object of revenue?

Mr. Pitt said, he was somewhat surprised to hear the right hon. gentleman talk of the new window tax being liable to grind and oppress the poor. He should have thought the objection, if any there were, lay the other way; and that it might, with some colour of truth, have been urged, that the fault of the proposed tax was, that it rather too partially pressed upon the rich, and operated upon them solely. Certain it was, that it did not reach the poor, no less a proportion of all the houses in the kingdom than a class of 300,000 of a certain description being exempted from it by an express clause in the Bill, and no more than 3*s.* annually being imposed on the next class of 300,000 houses. The whole of the right hon. gentleman's observations went to the principle of the Bill, and certainly did not at all go in support of the necessity for the re-commitment of the report. As little did the remark he had made upon the defence set up by his hon. friend (Mr. Rose) apply to that point. The right hon. gentleman had said, that the only answer made to the objections that had been offered were, "we have a clause for that, and a clause for the other, and, in fine, a clause to meet all the objections that had been stated." But was that in fact the case? Had not his hon. friend explicitly replied to each of the objections urged? With regard to one of them, indeed, he had said a clause was preparing; and if it was matured in time, would be moved by way of rider; and that the right hon. gentleman had chosen to represent as something very unusual and extraordinary. He begged leave to ask in what was it unusual and extraordinary? The clause in question was perfectly independent, and referred to the particular topic of no part of the Bill as it stood at present; it was, therefore, of all other clauses, a proper one to move by way of rider. Without such a clause, however, he was ready to risk any unpopularity that the present Bill might occasion, notwithstanding the industry with which popular odium might be endeavoured to be induced upon it. The right hon. gentleman, among other imputations, had said, he was ready to concede on any point to clamour; and that, because it was a Bill to assist the East India Company. In answer to this, he must in the first place observe, that the remark did not apply to the present occasion, because he had neither heard of any popular clamour against the Bill, nor any arguments from opposition against it. But before he spoke farther to that point, he would take the liberty to explain a circumstance that had occurred the other evening on the subject of concession, and which the House were at the late hour of the night to which he alluded, too much wearied for him to ask their attention to. He had been charged with having conceded to clamour, and sacrificed his conviction for nothing. The charge was unfounded. Paradoxical as it might sound, he had conceded upon conviction, although he had not been convinced that his opinion was ill-founded. The fact was, without having heard any thing that led him to change his own sentiments upon the subject, or in any degree to imagine that there was in the mode of the measure he had proposed the smallest ground for alleging that it was any injury to public credit, he found there was a general opinion to the contrary gone abroad; and where public credit was concerned, he considered opinion as truth, and that imaginary danger was tantamount to real danger. This could not be the case in any other point whatever, but where so nice and so important a matter as public credit was in question; and therefore, being convinced that the world saw cause of alarm, he thought it more prudent to sacrifice his own opinion to that of others; and however frequently, or in whatever shape the right hon. gentleman might choose to throw it in his teeth, he never should be afraid or ashamed to change his first or his second opinion on any subject where the public were so deeply interested as upon the subject alluded to. With regard to the charge now urged of his not conceding because the India Company were to be assisted by the present Bill, in the present case the Company were but a secondary consideration. The preservation of the public revenue was the first object of the Bill; but he was ready to declare that there were but few matters respecting which he should regard the

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Company as a secondary consideration; nor could he conceive that any bill would be the less approved, either in that House or in the country, that should have the assistance of the Company for one of its objects. The right hon. gentleman might therefore assure himself, that his perpetually endeavouring to decry the Company, and to insinuate that the present government was in any shape in their hands, would answer no other end than that of recalling to mind, what he hoped never would be forgotten either within those walls or by the people without doors, the detestable attempt of the right honourable gentleman to get the Company wholly into his own hands, for the purpose of securing the object of his inordinate ambition, and gratifying his unbounded lust of power. The right hon. gentlemen had upon a former occasion expressed an uneasiness at having a Bill so odious and unpopular as his East India Bill had been, referred to so often. The right hon. gentleman had it in his own power to prevent the repetition of such a reference. Let him avoid attempting to contrast the present administration with his own, and to talk of its connexion with the East India Company in a manner so invidious and unwarrantable. But so often as he resorted to such attempts, just so often, Mr. Pitt said, should he hold himself bound to recur to the detestable East India Bill. Before he sat down, Mr. Pitt took notice of a remark made by Mr. Fox, that tended rather to express some surprise at his having made tea the first object of regulation, with a view to the prevention of smuggling; in justice to the chairman of the committee on smuggling, he declared, he could not admit that remark to pass unnoticed. He then read an extract from the report of the smuggling committee, in which tea is particularly pointed out as the grand staple of smuggling, and recommended as the first object of consideration, with a view to an alteration of the duties, in order to render it an article of less profit to the smuggler. In consequence of that recommendation, the present Bill had been brought in, and so far was the fact from foundation that spirits had escaped his notice, he had brought in another Bill, at that time actually on the table of the House, the object of which was a reduction of the duties on the importation of foreign spirits. That Bill had been avowedly introduced as a measure in aid of the tea Bill, as a means of preventing smuggling, and he had no doubt in his own mind but they would fully answer the end; an opinion the House would probably agree with him in when he informed them, that he had information in his own possession that such had been the alarm and the effect already produced abroad in consequence of the steps taken on the subject of the tea duties in that House, that in the Netherlands they had offered to sell their cargoes of tea at a loss of 40 per cent. upon the prime cost and expenses; and the foreign companies had already come to the resolution of leaving off a continuance of the importation of tea from India.

Mr. *Fox* assured the right hon. gentleman he had not complained of his mentioning his East India Bill. He might mention it as often as he pleased; he would enter into no compromise on the subject. It was not a little unpopularity that he dreaded, while he was conscious he was in the right. He had formerly opposed large majorities on unpopular grounds; but he had lived to see the public adopt his opinions, and he did not despair of having the same good fortune again.

The House divided:

Tellers.

Yeas	Mr. Rose Mr. Robert Smith	143
Noes	Sir James Erskine Mr. Jolliffe	40

Debate in the Lords on the East India Company's Relief Bill.] Aug. 12. Their lordships went into a Committee on the Bill "for the relief of the East India Company with respect to the payment of certain sums due to the public, and to the acceptance of certain Bills drawn upon the said Company, and for regulating the dividends to be made by the said Company."

The Duke of *Portland* said, he did not conceive that the present state of the Company's affairs warranted the making such a dividend as this Bill went to allow them; nay, the Bill itself declared as much, for it set forth that the embarrassed situation of the Company was such as to oblige them to apply to parliament for relief; and after granting this relief, they were to be permitted to make a dividend equal to that which was made while they were in the most flourishing circum-

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stances: this was surely a contradiction; for if they were actually in those distressed circumstances the Bill set forth, how were they to make this dividend justly? To expend among themselves what was meant to be lavished on them, instead of paying their creditors, was a very poor reason for obtaining this bounty. It might he said, the present Bill, with respect to allowing a dividend of 8*l.* per cent. was exactly similar to one which had been introduced in a late administration, and therefore he would point out the difference; that, in the first place, was merely a temporary Bill, and was to be in force for only six months, while the present was to be a perpetual one; that was brought in previous to the Company's affairs having undergone a thorough investigation, and it was thought, to lower the dividend before that was done, would in a great measure be prejudging them: such was far from being the case now; an investigation had taken place, their poverty was known to all the world, and by no means warranted such an extravagant dividend. It was the intention of that administration, in case they found them in the situation they suspected, and which they were since proved to be, to have lowered their devidend to 6*l.* per cent. to have introduced every species of economy in their direction, and by every laudable means to have endeavoured to lessen their enormous debt. Upon the view of their affairs, he did not know whether they ought to be allowed to make any dividend, but it was very plain that so large a one as 8*l.* per cent. would be very improper; he therefore intended, when they came to that clause, to move an amendment, and to have the word 'six' inserted instead of 'eight.'

The Earl of *Abingdon* said: It is not a little curious to see noble lords returning to the charge, after having so ignominiously deserted their colours; I say ignominiously, because after making a shew as if they meant to storm the citadel itself, and retreating without even an attempt to do so, they are now advancing in all the pomp of battle array, to attack a poor little outpost, scarcely worthy of notice; though yet sufficiently strong (as I trust will appear) to defeat the prowess of such assailants.—My lords, my metaphor is in the eye of your lordships comprehension, and needs no other explanation from me, than that I came down the other day, by summons, to the House, to hear what the coalitionists had to say against the Bill for regulating the affairs of India, and I found them dumb. I am now here upon the Bill for the relief of the Company, and I find them about to be restored to their speech. For my part, I do not mean to trouble your lordships with any arguments of mine upon the present Bill. It appears to me to be nothing more than the necessary consequence of what went before; for to regulate the affairs of India, and then not to support that regulation by every possible means of relief, is a compound of heterogeneous policy fit only for the adoption of a discordant coalition. But, my lords, being upon my legs, and it having been said of the Bill for the regulation of the affairs of India, as having powers unconstitutionally vested in it, I will say one word upon that point. In any other view I do not mean to trouble your lordships with any alterations of mine. The oriental knowledge of that Bill is a species of knowledge which I do not possess, nor did I ever aspire to. It is to the policy of the Bill that I have simply and solely looked. And here, my lords, whilst in this view of it I feel every satisfaction that I can desire, whilst I perceive every endeavour to accommodate the subject matter of that Bill to the justice, the policy, and the welfare of this country, that satisfaction in me, and those endeavours of his Majesty's present ministers, are not a little heightened by the contrast which, in comparison, that Bill bears with the Bill of his Majesty's late ministers upon the same occasion. In that Bill I see a desire to leave us the constitution we have, a constitution, one atom of which I never will consent to part with; I see a desire of preserving those rights in the legislature, without the preservation of which we cannot hold the constitution we now possess: I see a disposition of accommodation, not only to the rights of the legislature, but even to the parties interested and concerned in the regulations proposed: a disposition necessary, perhaps wise, and yet, my lords, if there be any part of that Bill I object to, it is in this single instance. I think it had been more constitutional if some of the powers given to the court of directors had been lodged in the crown, and not only more constitutional, but with more safety, and with more real benefit to the public; but this is matter of opinion, of which experience must be the proof. This is what I see in that Bill; but, what did I see in the other? The very reverse

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of all this. A violation of chartered rights, in the very teeth of those who possessed those rights? An absolute and direct confiscation of private property; an attack upon the just, legal, and undoubted prerogative of the crown. A new executive power set up in the state, at the head of which was placed an aspiring and an ambitious man. A situation, to which if he had arrived, we should have seen him, although not wearing the crown upon his head, actually and to all intents and purposes the governor of this country: for, what was his situation, my lords? Placed at the head of seven nominees of his own, they pouring the wealth and treasure of the East into his lap, with a patronage besides, infinitely greater than the crown possesses. Against such a situation, what struggle could the crown have made; and what had become of the constitution of this country, when property had been thus invaded, and monarchy so divested of its rights? This was the Bill for regulating the East Indies. That upon which opposition was dumb, was the Bill for the same purpose; and with this view of the subject I leave the matter with your lordships: not being able, however, to sit down without holding up my eyes and hands against that accursed coalition, without which, those noble lords, who, from the very letter and spirit of their own protests upon the Journals of the House, ought to have been the very foremost in the support of the present East India Bill, are now protesting against their own protests, and placing themselves in a situation pitiable, if not censurable, even in their own sight.

Lord *Walsingham* said, the Bill before their lordships had several points in view; it first went to give the Company that relief which they were at present in want of; then to enable them to accept those bills which had been drawn upon them, and to permit them to make a dividend that they had long been accustomed to. That their affairs should just now be rather embarrassed, did not by any means imply that they were not in a solvent condition, or call for a diminution of their dividend on account of their inability to satisfy every demand upon them at this moment; when it was considered to what expense they had been put by the late war, and the assistance they had given us in the Indies, it could not be any matter of surprise that they, as well as every other part of the community, should feel its effects. On the renewal of their charter, besides the 400,000*l.*, they agreed to pay a certain sum for every regiment of regulars which should be sent over for the protection of their territories, besides an allowance to the ships of the line engaged in that service: this was found to press very heavy on them during the late war, but this did not induce them to wish to abandon the country in her distress; on the contrary, burdened as they were with the expenses of a war neither brought on by them nor in their territories, they generously gave three ships of the line to the service of the public, and yet now there appeared a backwardness to retrieve them from that distress which had been brought upon them. Government was most certainly of great service to them, and when the subject was properly considered, they would be found to be of infinite service to the public. The sums they paid for their charter, to the excise, customs, &c. were very considerable, and therefore it was highly necessary to give a transient support to the Company, lest a decrease in the revenue should be the consequence of their present embarrassment. Besides, there was a kind of agreement that they should have the relief which this Bill held out; for it was on that principle they had come to the resolution of consenting to the regulations contained in that Bill which so very lately passed their lordships. The bills that it was meant to allow them to accept, were those which had been drawn on them for goods purchased, and which were either now arrived, or on their passage home. The want of money there rendered the servants of the Company incapable to purchase freight for their shipping; they therefore had no other alternative than either to draw on the Company here beyond the sum allowed by act of parliament, or to let the ships lay by for a twelvemonth, and to see the goods carried to another market; there being actually at that time no less than fourteen foreign ships in India, who were waiting, and would have been happy in such an opportunity; they wisely had preferred the former, and it would be extremely unjust not to permit the Company to accept those drafts for which it might almost be said they had property in hand. As to the dividend of 8 per cent. he could not see the least reason why it should not be allowed, but many strong ones in its favour; it was very necessary that the credit of the Company should be maintained, and this could not be done, was the dividend

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to be lowered; there were many foreigners who had property in the Company's funds, who would take the alarm at such a measure, and perhaps be induced immediately to sell out, not only to the detriment of the Company's credit, but the funds in general; for which reason he should oppose the motion which the noble duke had said he intended to make.

Viscount *Stormont* supposing himself alluded to by the noble earl, assured him, that so far from having been dumb on the occasion alluded to, he found himself greatly indebted to the House for their indulgence, and ought to apologize for having been so prolix on that occasion. Had the noble earl been in his place, he would have heard him attempt to deliver his sentiments at large upon it. This Bill appeared to him to be one of the greatest contradictions in itself that was ever brought for their lordships to determine upon: it set out with begging relief for the Company, being unable to extricate themselves from their embarrassments; and by way of providing against their falling into a similar predicament, they were allowed to do—what? Why, immediately to squander away that money which was to be given to them; that was, to make as large a dividend as they made when their affairs were in the most flourishing condition. He believed it was the first time that it had ever been suggested, that a merchant could retrieve himself by continuing that expenditure which he pursued during his getting behind-hand; such an idea would be laughed at in a private concern; and as politics and the affairs of state were said to bear a similitude, as a great letter to a small one, so he thought in this case such a proposition was ridiculous. The noble lord who spoke last had assigned a reason for its being brought forward; it was the terms of the bargain between the minister and the Company; but he could scarcely credit that a minister of this country would so far degrade himself as to commence a secret negociation with any body of men in the kingdom, and likewise to enter into a stipulation for the sake of carrying on a favourite measure: but provided that was the fact, their lordships could not be bound to ratify a treaty they had never heard of, as no such thing was even hinted at during the progress of the other Bill; it was sufficient for them to consider whether the Company were or were not in distress; if they were in distress, and which he verily believed to be the case, they certainly ought to be relieved; but then they were certainly incapable to make the dividend proposed; if they were able to make this dividend, they could not be said to be in want of relief; one of these suppositions must be the case; and of course the Bill, which went to provide for both, must certainly be absurd. The noble duke had referred to the Bill which passed in 1773, upon which he should also beg leave to say a few words: at that time the Company's stock, by art and artifice, was raised to 270, and the dividend to 12½ per cent. He did not mean to enter into the particulars of the methods made use of for that purpose, but merely to state, that by way of supporting the credit of the Company, and to prevent a South-sea bubble, it was thought advisable to lower their dividend to 6 per cent. and this was done without any injury, but to an apparent advantage of the Company. Rumour informed him, and rumour had been pretty right of late, of a secret which he would state to the House: it had occurred in a place which was not remarkable for keeping secrets, and therefore no wonder that rumour had got hold of it. It said the Chancellor of the Exchequer had been so convinced of the impropriety of granting so large a dividend as 8 per cent. that he actually had determined on sending the Bill to the House with only 6; this however the Chancellor of the Exchequer had been diverted from—but how? Not by convincing him he was wrong, but by its being alleged that the proprietors would not be satisfied, many of whom were foreigners, who would likely sell out, and some other cogent reasons from another quarter, that prevailed on him to give up the point even against his own opinion. Thus far said rumour; and although he could not attempt to determine on its veracity, yet he thought it was very likely, for he believed the Chancellor of the Exchequer, as well as any other man, must see the absurdity of making so large a dividend as the Bill went to allow, while they were in their present circumstances. That the lowering the dividend would have any possible effect to the injury of the Company's credit, was ridiculous; for at the same time it was reduced from 12½ to 6, no such thing happened: why, then, should it be expected to have a different effect when it was reduced only two per cent.? For his part, he was of a firm opinion it would act to the advantage of the

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Company; for every man might draw this conclusion; they are now actually determined to pay off their debts, and in a short time we shall undoubtedly have a much larger dividend: if, however, matters of this kind were to meet the approbation of the House, because they were introduced by a minister, why might he not as well at once tell them such a measure was requisite he had determined upon it, and not trouble them with the form of passing a Bill at all? For it was rather unlucky for a Bill of this kind, that it was made public all over the kingdom; and very just it was, in his opinion, that it should be so; it was unluckly, however, in this instance, because there was not an apprentice-boy behind the counter, nor a cobler in his stall, but would be able immediately to see the absurdity of this Bill, which had been submitted to their lordship's wisdom; that is, if it should pass in its present form, the minister, or more properly speaking, the ministry, might hold themselves highly obliged to their lordships for their ready acquiescence in every proposition brought forward, and for their quiet adoption of every measure introduced, however absurd: but such a mode of conduct would be to render that House entirely useless, and their attendance totally unnecessary.

The *Lord Chancellor* could not conceive how the debate had taken such a turn; for the regular mode was to let the preamble be read, and if there was no objection to that, to pass on through the different clauses, until they came to the one in which the alteration was meant to be made; but here the preamble of a bill, which was meant for several purposes, was quoted for the opportunity of shewing what was called the absurdity of, in fact, a part of a clause; for if their lordships had taken the trouble, they would have found the remainder would, in a great measure, have satisfied their doubts; it was very certain that the East India Company were at this moment in want of some relief to maintain their credit, until they should have an opportunity of turning that property, which was as good as money, into ready specie; but then, indeed, one part of the Bill allowed them to make a dividend, and to maintain their credit by making it the same it had been for some years; this was accounted a direct contradiction and absurdity, because it did not provide for reducing the debt with which it was incumbered, when, in reality, the very same clause said, that all the surplus, revenues, &c. should be appropriated to that purpose; but yet 6 per cent. was thought infinitely better than the 8: he should like to be informed why 6 in particular? The noble duke, indeed, had said they had better make no dividend at all; but this he supposed would not be insisted upon: six, however, seemed the favourite sum; for why, he did not at present know, as he could not see that it was worth while to hazard the reputation of the Company for 64,000*l.* which was the whole that would be saved by the reduction, notwithstanding the alarm that such a measure would give as to the solvency of the Company. The idea of foreigners selling out had been treated with a degree of levity, but to him it appeared in a very serious point of view; in the year 1773, which had been alluded to, foreigners had a considerable property in the Company's funds; but it was small in comparison to what they had at this time: they had then sold out very fast on the reduction of the dividend, and it was natural to suppose they would do the same now, which would be of the utmost consequence, as it would reduce the price of their fund, and sink their credit.

Government undoubtedly ought to have a power to regulate the dividends of a Company who had the sole trade of a country, lest they should not act to the advantage of the community at large, which had been the case in the South-sea business; but there was not the least similarity between that and the present. Upon what principle was the sum this Company ought to divide to be decided upon? Was every demand which government had upon them to be first paid, and then allowed to divide the rest, as he did not suppose it was meant to be argued that an opinion of their solvency ought to be taken from their ready cash? There were very few merchants, he believed, would like their credit to be decided upon on such a principle. It was a pretty theory enough to compare the method of conducting private concerns to those of a public nature; but the noble viscount was too good a politician to mean any thing of that nature seriously. That a minister should consult with a body of men on what was likely to prove to their mutual advantage, was also arraigned as very improper; but he hoped he should never see the day when a minister would be above accommodating and acceding to what was proved would

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be to the advantage of the body concerned, and the public at large. As to the rumour, he knew nothing at all of it; but he would venture to say, that if the Chancellor of the Exchequer had altered his plan, it had been for no other reason than upon a conviction it was just so to do; nay, rumour now brought him intelligence [a paper was put in his lordship's hand] that it was no such thing, and the Bill had not been drawn up with 6 per cent.; and he fancied his was a pretty authentic rumour, as he believed it came from the hand which drew the Bill. He saw no other reason for reducing the dividend to the favourite six, than that it would give a retrospect to a larger, which did not deny their profits being equal to that of eight; and, for his part, he thought 8 per cent. was as little as could be allowed for a trading Company. Provided the Bill had been drawn up in that absurd manner in which it had been laid out, he should have been as much against its going into the world as any man; but the clauses appeared to him to be perfectly correct, their intentions perfectly clear, and the ends they were intended for, he doubted not, would be fully answered.

The Bill was then read clause by clause, and agreed to, until the clerk came to the one for allowing the dividend; when the duke of Portland made his motion, which was negatived.

Debate in the Lords on the Forfeited Estates Bill.] Aug. 16. On the order of the day for the second reading of the Bill "to enable his Majesty to grant to the heirs of the former proprietors, upon certain terms and conditions, the Forfeited Estates in Scotland, which were put under the management of a board of trustees by an Act passed in the 25th of George 2, and to repeal the said Act,"

The *Lord Chancellor* desired, in that state of the business, and before the Bill had been read a second time, to inquire what there was that rendered it necessary that a Bill of such magnitude should be passed on the sudden, in that period of the session when parliament was so near rising; he lamented, as a private man, that he had not heard any thing of the project of bringing the measure before parliament till it had actually been brought in. It had, however, happened, that the first news of it reached him after the Bill had been read a first time in the other House; and since then, it was not to be wondered at, if, from the various transactions in which he was well known to be engaged, he had not found leisure to consider it with sufficient attention. Without having, therefore, formed any opinion upon the measure, and consequently without meaning to pronounce upon it either one way or the other, he wished to state to their lordships such observations as had suggested themselves to his mind upon the subject. His lordship then said, that it would have appeared to him more regular, if the measure had originated in that House, or rather with the King himself; in which case it would probably have been his lot to have heard of it before it was proposed in parliament, and have known upon what grounds his Majesty had been willing to relax the severity of the laws affecting the parties to whom the Bill related. The form of proceeding then would have been by a message from the crown to that House, and a communication of the royal intention from that House to the other, by their lordships sending the Bill, when they had passed it, to the Commons. That would have been more regular, and more consonant to usage. Bills of remission and lenity having rarely originated in the other House, excepting only in cases that were partial, by which he did not mean cases that were improperly partial, but such as were peculiar and personal, like that of general Frazer's Bill, passed in the 14th of his Majesty. On the present occasion, the Bill had begun in the other House as a measure of its own, upon the motion of an individual member in the ordinary course of proceeding in other cases. Having made these remarks, his lordship proceeded cursorily to go through the Bill, declaring that he would not attempt to go into argument upon it, as well for the reason he had stated, as because all argument would be vain, if it was determined that the Bill should pass. The Bill contained two distinct propositions; the first part was a Bill of repeal, the second a Bill of appropriation of certain monies to be raised under its authority. It set off with reciting the 20th and 25th of his late Majesty. The former of these Acts, it was necessary to remind their lordships, ordered expressly that all the monies arising from the estates it declared forfeited, to be paid into the Exchequer to be applied to the King's use. That direction was taken no notice of in the present Bill; if it passed, therefore, some alteration must

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be made in the committee to provide for it. In bills of a similar but less general nature, a special merit was always alleged as the ground of the Bill, and as the circumstance that made the Bill expedient to be passed, as in the case of general Frazer, whose estate had been disannexed from the crown and given back to him, for his having raised 2,000 men in the Highlands for the service of his Majesty. In the present Bill, the ground of its expediency was generally taken, and rested on the observation, "that no subjects in any part of his Majesty's dominions are more loyal or dutiful, or better affected to his Majesty's person and government, than the inhabitants of the Highlands now are;" to which was subjoined the assertion, that "many of the said inhabitants, of all ranks and descriptions, have performed signal services to their country in the late wars between Great Britain and its enemies, and more particularly the heirs and families of all or most of the attainted persons have been employed in the service of their lawful sovereign." With regard to the observation, he had not a doubt of its truth; nor did he believe there was at this time of day any part of the kingdom in which there was not a loyalty and attachment to the King, and a regard for the present government; but were their lordships accustomed to accept a bare general assertion as the ground of an act of parliament? Was it consonant to the dignity of their proceedings, to take for granted what might not be true, or what was not known to be true by their lordships; at least he did not know it to be true, that all the persons in whose favour the Bill went, had been in the service of their sovereign! He would not on the present occasion follow rumour; but was it certain that all of them had submitted to the law, or had constantly resided in this country till an opportunity offered of endeavouring to deserve the favour of the crown and to attract its notice, when they had seized that opportunity of carrying their endeavours into practice, and had exerted themselves in the public service? Had none of them followed the fortunes of their prince, as he pretended to be, and fled with him whose cause they affected to serve? These were surely questions that ought to be answered, and the truth of the general assertion proved to their lordships satisfaction, before it was admitted as the ground of an act of parliament.—His lordship next stated some reasons to shew that there might lie objections against the giving back the estates to all the parties severally named in the different clauses.—He fully explained the nature of the law of Scotland, as far as related to lands being held in wadsett and in reversal, in the course of his observations on the clause relative to the lands and estate of Archibald M'Donald; and particularly animadverted upon the clause which enables the crown to grant the estate of lord John Drummond to his heirs male, whenever such heirs male should be ascertained. Having gone through these clauses, his lordship remarked, that there was not any means provided in the Bill to compel the grantees to pay the several sums of money assessed, as the condition upon which they were to re-enter their estates, although by the Bill they were to have immediate possession of them. He pointed out the inconvenience that might arise from this circumstance, and then stated, that the lodging the money to be raised by the Bill in the hands of a private banker, was a measure perfectly new at least, and not a little extraordinary. This was done by the clause which enacted, that the money should be lodged in the Royal Bank of Scotland for such interest as could be obtained for the same. This mode of disposing of the public money, he owned, startled him not a little. He next observed, that the Bill proceeded to grant the estate of Alexander Robertson, of Strowan, forfeited by a decree of the parliament of Scotland in 1690, to lieut. col. Alexander Robertson. This, he said, might be perfectly right; but if it became necessary to give back the estates forfeited in 1690 and in 1745, why was it not equally necessary to give back the estates forfeited in 1715? The principle of justice looked with an equal eye on all persons of all descriptions, who stood exactly in a similar predicament; and it was his duty to regard the persons who had on any former occasions been attainted of high treason, let their situation be what it might, with as much willingness to relief, as any persons who were to be relieved under the present Bill, and who might have interest enough to procure the attendance of the majority of the peerage then in town in support of their cause. It had ever, he said, been the prevailing and settled maxim of the British constitution, that treason was a crime of such a nature, a crime that went so directly to the bottom of the government,

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that nothing was adequate in punishment of it, but the total eradication of the person, his name and family, out of that society which he had attempted to danger, and to wound to the heart. *Fuit hæc sapientia quondam!* That was the wisdom of former times; that was the rule of policy laid down, and adopted invariably. But if a more enlightened age thought otherwise, and under a notion of better wisdom chose to relax from the established severity of times past, it was highly necessary their lordships should be prepared either to tread back the steps they had taken with the present Bill, or to find themselves ready, if applied to by any of the heirs of the families attainted in 1715, to deal out to them an equal portion of lenity, and to grant them as much as the Bill granted the persons to whom it related.

His lordship now came to the consideration of the second object of the Bill viz. the mode and manner of application of the money to be paid into the Exchequer of Scotland. He said, he saw no great objection to the applying part of it by way of reward to the officers hitherto, and at this time, in the service of the board of trustees appointed for the management of the forfeited estates. The next object of application, viz. the sum of 15,000*l.* to be applied towards completing the erection of a repository for the records of Scotland, was he thought every way proper. It was fairly applying the public money to a public use, and as such he highly approved it; but he thought of the third object, viz. the application of 50,000*l.* towards completing the canal from the Firth of Forth to Clyde, in a very different manner. Nothing he had ever yet heard had induced, nor did he believe any arguments could be used that would induce him to think that a public use. Give him but a public use, and he cared not in what part of the island it was situated between Caithness and Cornwall; he should readily consent to let any requisite portion of public money be applied to it. He hated invidious distinctions between the different parts of the island; they were unfair with respect to Scotland, hateful with regard to England; they ought never to be made, because whichever part of the island was the local object of application of public money, if the particular to which it was applied was of public utility, he held that it was exactly the same thing, and that the public at large were served. His lordship went into some little detail in order to support his position that the extension of the canal across Scotland was not a public use, but a distribution of accommodation and advantage for the benefit of individuals. He circumstantially described the various parts of the canal already completed, stated the sum that had been expended upon it, and spoke of its depth, and of the little probability of its being ever rendered navigable by ships of any size, or at all capable of entitling the navigation to be considered as a matter of public utility. He compared it to the scheme of bringing water to town, projected formerly by Middleton (afterwards sir Hugh Middleton) and mentioned all the circumstances that had attended the project of the new river. He said, the situation of the canal did not alter its nature, nor did its being on the other side the Tweed make it a matter of public use. It was no more so than the Staffordshire navigation, or that of any other county south of the Tweed. After very fully arguing this, and suggesting a variety of observations relative to the 5 per cent. interest and the money clauses, he made some general reflections on the Bill, and desired that what he had said might not be considered as his objections, but as his thoughts upon the Bill. He declared he was far from meaning to impute any improper motives to those from whom the measure came; he knew them well, and knew their honour was equal to their great abilities, which was saying all that he could say of any men; but, abstracted from personal respect for them, independent of his conviction of their deservedly high characters, it was incumbent upon him, sitting upon the woolsack, to look at every measure that came before the House with an unbiassed mind, and with a scrupulous regard to the justice and equity of the measure itself. In the course of what he had suggested, he desired not to be understood as having expressed a wish that the Bill should be rejected, or the measure totally condemned. He had no such wish, nor had he given any opinion either for or against the measure, and that for the best of all possible reasons, because he had not formed any opinion. All he had said had been merely with a view to convince their lordships that the Bill consisted of two distinct objects, not very happily annexed and arranged; that it contained a great variety of matter that required investiga-

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tion and some sort of proof; and that the rapidity with which it had been hurried through the other House, rendered it impossible to have been discussed duly in that House, and the very few days that remained of the session would deprive their lordships of the opportunity of giving it that attention which it appeared to call for. Possibly he might stand single in these sentiments, but he had thought it his duty to declare them, and he had done so then, in order to save time, because, if after what he had said, their lordships thought proper to pass the Bill, he would give them no farther trouble, but should of course absent himself from the committee, and not say a word upon the subject at the third reading.

The Earl of *Dunmore* spoke highly in praise of the grantees named in the Bill, declaring, that the actual services they had performed entitled them to the protection and favour of the legislature.

The Earl of *Balcarras* said, the Bill was founded in principles of humanity, benevolence, and generosity, and in principles of sound and solid policy. The persons named in it as the objects of relief, deserved every thing a generous country could bestow. His lordship answered the Lord Chancellor's questions as to where the grantees had resided, and what services they had been engaged in since the rebellions, for their ancestors taking part in which, their family estates had been forfeited. He said, several of them, bankrupt in fortune and in every thing but national spirit, had been driven from their native country into exile, and had of necessity gone into the service of foreign states. That in those services they had distinguished themselves in a gallant manner, and, raised by their merit, had been preferred to posts of rank and station. Some of them had been made colonels, others major-generals, and others promoted to high military posts; that they had nevertheless preserved their attachment to their native country inviolate; and when the policy of Great Britain suffered them to return, they had laid down their commissions in the service of foreign powers, lucrative and honourable as those commissions were, and flown back to their friends and connexions, who received them with open arms. Zealous to prove their loyalty and attachment to the prince upon the throne, they had entered eagerly into his service; those who had held posts of the highest rank abroad willingly accepting the commands of companies in his Majesty's army, and some of them accepting even of subaltern's commissions. That they had served the crown faithfully and bravely, many of them having laid down their lives in its service, and others having lost their limbs. His lordship entered into a particular detail of the gallant and meritorious services of lord Macleod and of other Scotch officers, stating where they had most distinguished themselves, and pointing out America, Gibraltar, and the East Indies, as the fields of their fame. He mentioned a particular family that had been deprived of its hereditary estates in Scotland by bill of attainder, and had gone to America, and there built up a new fortune, above half of which it had lost by its loyalty to the British cause during the American war. He declared he thought the chancellor had not spoken with his wonted liberality upon the merits of the persons named in the Bill as grantees. He reminded their lordships that the families in question had been deprived of their estates for near forty years; and he accounted for the conduct of the highlanders in the rebellion, by shewing that they were solely guided by their clannish attachment to their chieftains. Equally strangers to the language and customs of the English, it was no wonder that they felt not in common with us. The intercourse opened with Scotland after the rebellion, and the familiarizing the highlanders to English customs, soon removed their prejudices, and at the end of twelve years so completely were they attached to national government, that we had whole armies poured out of that country to fight the battles of Great Britain. General Frazer, he said, had been favoured with a grant of his estate upon raising 2,000 men for government. How many more had followed the fortunes of those to whose families they had been accustomed to look up with affection and attachment from their infancy! His lordship said, he was happy to find the noble lord approved of the applying of 15,000*l.* to the building of a repository for the records of Scotland; the object was undoubtedly a public one; not less so, in his opinion, was the extension of a canal from the Firth of Forth to Clyde. His lordship amplified on the great advantages that were likely to accrue from this important plan being completed. He pointed out the benefits that must necessarily result

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from a navigable communication across the kingdom of Scotland, with the capital of the country at one end, and its largest and most commercial city at the other extremity: he said it would convey cargoes of iron, and all the various commodities of the Baltic trade, into the west of Scotland, without subjecting the freights to the tedium and danger of a circuitous navigation either round the Orkneys by a northern, or round the Land's End by a southern passage. His lordship spoke of the spirit of emigration that had been infused into the minds of the highlanders, and of the danger of the northern part of the kingdom being depopulated, if proper and speedy means were not taken to prevent it. The Bill before them he considered as providing the most effectual means of any that could be suggested, and for that and the other reasons that he had stated, he anxiously wished it might meet the general concurrence of their lordships.

The *Lord Chancellor* wished it to be clearly understood, that he had not meant to cast any thing like a reflection upon the characters of the grantees. It was fortunate, however, for those brave men, that from what he had said he had afforded an opportunity for their merits to be brought forward in a manner the best calculated to do them the justice they deserved. Knowing how nice a soldier's honour was, he had carefully avoided hazarding a syllable liable to that construction. He rejoiced, however, that their merits had now received the best remuneration, the praise of a soldier, who had distinguished himself so eminently in the service of his country, that his competency to distribute either censure or approbation on military merit became unquestionable. So well satisfied was he with what had fallen from the noble lord on that part of the subject, that he declared he would desire no better proof of the grantees merits. With regard to all the trade of the Baltic being brought into the Clyde by the communication with the Firth of Forth, possibly a circumstance so desirable might be the consequence of completing the canal; all he had wished was, that before their lordships assumed so broad and extensive a conclusion, they would have the goodness to have the fact established by some sort of evidence, and not take it for granted that very extravagant advantages were to accrue in consequence of the Bill, merely because the Bill said so in words.

Lord *Sydney* began with observing, that what had fallen from the learned lord had made a very great impression on their lordships in general; every thing that came from the learned lord could not fail of producing such an effect: but notwithstanding the weight of the learned lord's arguments, he must declare, he was desirous the Bill should go to a committee. With regard to the facility that had attended the Bill through the other House, that, he conceived, arose entirely from its meeting with general concurrence. Upon an examination of the whole Bill, he saw no reason to be afraid of any part of it. The canal across the country he had always understood to be a project, the completion of which would be of great public advantage. But a circumstance that weighed very materially with him was, the effect the Bill would have in checking the spirit of emigration which prevailed in so alarming a degree in Scotland. He had that day received a letter from a person of distinguished character in that part of the country, who stated the danger of the almost immediate depopulation of the northern part of Great Britain, if some measure was not adopted to prevent it; and earnestly called upon government not to lose a moment in the business, but to seize upon the best means that should suggest themselves to their consideration, for the purpose of interposing an early check to a spirit so alarmingly injurious to the general interests of the kingdom. The present Bill appeared to him as a measure the most likely of any that human wisdom could suggest, to stop the progress of that spirit which threatened such dangerous consequences. It would rivet great numbers of Highlanders, who would not think of going from home when they knew that those for whom they had felt an affection from their earliest youth were to be put in possession of their family estates. The bad effects of their remaining in their present condition were but too visible; as he understood, they were easily discovered at a glance to be annexed estates, from the bad condition they were in compared to other men's estates, and from the almost total neglect of their cultivation, and the general decrease of their produce. This, his lordship said, he feared was not peculiarly the case of Scotland, but that it prevailed in all parts of the kingdom, because common sense and common experience shewed, that what was held by another for the public, was never so well

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taken care of as when in the hands of the person whose immediate interest it was to render it as profitable as possible. When these estates came to be restored to the persons named in the Bill, some additional thousands of Highlanders would be employed on them; the soldiers in the regiments about to be disbanded in Scotland, who had undoubtedly rather work for their livelihood in their native country than elsewhere, would find immediate employment there, and undoubtedly a considerable check to emigration at least would thence be deduced.

The Bill was then read a second time and committed. It passed on the 18th.

Debate in the Lords on the Commutation Bill.] Aug. 18. The order of the day being read for the House to resolve itself into a committee on the Bill for "repealing the several duties on tea, and for granting to his Majesty other duties in lieu thereof, and also several additional duties on houses, windows, or lights; and upon the importation of cocoa-nuts and coffee; and for repealing the inland duties of excise thereof,"

Lord *Loughborough* rose and said, their lordships ought not to consider the going into a committee on that Bill as a mere matter of course, or as if it was an ordinary bill of supply. The Bill was of a very different nature, although one of its purposes was to raise a considerable revenue for the public. In fact, such was the peculiar nature of the Bill, that if it were to be thrown out by their lordships, the public would not suffer at all, either in point of revenue or otherwise, because tea already yielded a revenue of 900,000*l.* and that they would be still in possession of. Having stated this as a reason for pausing a few moments before the House went into a committee, his lordship proceeded to speak of the general nature of the Bill. It consisted, he said, of two parts, each of them of very considerable importance. The one proposed to abandon and give up the present duties of customs and excise upon tea, which produced a revenue of near a million sterling; and the other part proposed to remedy the essential injury such an abandonment of a productive tax, established by long usage, would necessarily and unavoidably do the revenue, and to make amends for the defalcation by laying a land-tax of the most odious and oppressive nature. Tea had not only of late years, but at all times, from the Revolution downwards, been considered by every wise statesman as a fit subject for taxation, and the large and solid revenue that taxes on tea had invariably produced, proved that this opinion was not a light one. Before, therefore, their lordships entertained a Bill like the present, it was but reasonable to expect that some one or other of the ministers present would state to the House what the grounds were that had induced ministers to propose a project of such extent to parliament; and upon what reasonings, calculations and facts they had founded their ideas, that it would be beneficial for the public to abandon a revenue of above 900,000*l.* per annum, and to lay additional, oppressive, and partial duties upon windows, which were very heavily taxed already. His lordship said, he had read accounts of what was supposed to have passed on the subject in another place, in which such arguments were stated to have been held, and such reasons assigned in justification of the project, as he could scarcely conceive to have been seriously advanced by any man in his sober senses; but as they appeared in what, parliamentarily speaking, were papers of no authority, he would not take up any one of them as matter deserving a public refutation, but would wait till he had heard what the reasons really had been that had suggested themselves to the minister, as arguments in justification of a project which he owned he felt to be of a very extraordinary nature.

The *Lord Chancellor* said, he was a little astonished to hear it stated that the sole view of the Bill was to abandon a revenue of 900,000*l.* and to lay a tax on windows, which the learned lord had chosen to call an odious and oppressive land-tax. That the Bill did give up the present duties of customs and excise on teas was undoubtedly true; but it proposed to lay another duty in lieu of them, and it proposed an additional tax on windows, not as a new tax, but as a commutation for the portion of the new duties on tea that it gave up, and the reason for doing this was undoubtedly with a view to check smuggling. The alarming extent to which that illicit trade had been arrived, no one of their lordships was unapprized of. The consequences that it threatened to the revenue, were of such magnitude, that it became highly necessary to take some measure to give it an effectual check. With this view it was that the present Bill had been framed, and

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if it succeeded, as there was every reasonable ground for expectation that it would, smuggling would receive a blow that would go farther towards its extinction than any measure that had ever been suggested. Tea was the great basis of the smugglers trade; if therefore that essential article of illicit traffic was taken out of their hands, there was the greatest reason to suppose that smuggling would either cease entirely, or if carried on at all, be carried on to a very trifling extent. In order to effect this salutary purpose, the Bill proposed to lower the present duties on tea, and to reduce them in such a degree as should enable the fair trader to rival the smuggler. As the duties of customs and excise now stood, they amounted to about 50 per cent. on the value of teas of all descriptions; and, according to the present Bill, those high duties would be lowered to a fourth part of that amount, viz. to 12½ per cent. a reduction that would leave the smuggler so little room for profit, that it would not be worth his while to run the risk to which his illicit trade would be exposed, for the chance of obtaining the small profit that could be gained by his dealing any longer in tea. Every trade, licit or illicit, depended upon the proportion of profit set against the proportion of risk. But the learned lord said, that tea, from the Revolution to the present time, had been deemed by every wise statesman a fit object of taxation. Undoubtedly it had so: but he could very easily conceive that it might be perfectly wise to select any given article of consumption as a subject of taxation, and yet the duties upon the article might be carried to excess. There was a medium in every thing, and a line beyond which it would be extremely unwise to proceed. This he took to be precisely the case with tea; the high duties upon it gave so much profit to the smuggler, that it was the basis of his traffick; and all the regulations that could be devised, were insufficient to the preventing him from dealing in it, while so large a profit might be derived from it. The only possible way, therefore, of curing the evil, was to reduce the duties. Nor would that reduction have all the effect the learned lord seemed to imagine, because the new revenue arising from the 12½ per cent. *ad valorem*, was not to be calculated upon the quantity of teas that paid the duties at present, but upon an infinitely larger quantity; as it was perfectly reasonable to suppose, that when the duties were so much lowered as to render it no longer worth the smugglers' while to deal in tea, what was now run into the kingdom would then be fairly imported, and would add to the revenue by the proportion of the increase of duties that would in that case be paid. With regard to the tax on windows, it was undoubtedly a species of land-tax. It was not a new tax, but a commutation, and a commutation that might reasonably be relied on for its produce, because it was nothing more than an extension of a tax already existing, the productiveness of which was a matter of certainty. He saw, therefore, no reason to be alarmed for the revenue. He added, that though this country was not in a state which would justify that sort of despondency which some gloomy-minded men imagined, or men of another description wished to impress upon the public, it was undoubtedly labouring under very grievous burthens; and it ought always to be remembered, that those at present entrusted with the government of affairs had no share in those unfortunate councils that had given birth to the events that rendered those burthens unavoidable. Those unfortunate councils had been given by others, and it only remained for his Majesty's present ministers to perform the ungracious task of proposing taxes adequate to the occasion that called for them. The present Bill was one among other measures of that kind, and it was in some sort an experiment, but such a one as he flattered himself would prove a beneficial one to the country. He hoped therefore that it would receive the consent of their lordships.

Lord *Loughborough* said, the learned lord had argued well to prove that smuggling was carried on to a very great extent; and if it were true, that more tea was now smuggled than had formerly been smuggled, or rather, that the revenue drawn from tea had decreased of late, why then the learned lord's argument would have been a good one. But he took the reverse to be the fact; he conceived that no more tea in quantity was smuggled now, than had been formerly smuggled; and that supposition he rested upon indubitable grounds, viz. upon positive proof in figures that the revenue drawn from tea had not decreased, but that it was as great now as ever. In order to satisfy the House of the validity of this assertion, his lordship went into a minute statement of the amount of the revenue produced from teas at present, and at a former period, comparing the one with

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the other, and shewing that it was not less now than it had been. From this comparison it was evident, that, let the smuggling be carried on to ever so great an extent, more tea in quantity was not smuggled now than formerly, because there evidently was no diminution of the revenue. His lordship here went into a discussion of the nature of the smuggling trade, and assigned his farther reasons for not thinking a greater quantity of tea was smuggled now than formerly, but merely that smuggling had gone into other hands. At a prior period, he said, when the learned lord and he were in the habits of knowing more of the practice of the smugglers than they lately had been, the smugglers in general were desperate men, of ruined fortunes, and their trade was carried on from hand to mouth. Of late the case was altered. Smuggling was no longer in the hands of paupers; it was carried on upon extensive and connected capitals, and in vessels of a larger size and force. The smugglers now, in fact, were the servants of the East India Company, who having amassed large fortunes by rapine in India, sent them to China to buy teas, which they freighted to Europe in Portuguese, Danish, and Swedish vessels, and that tea was smuggled into this country. Those were the hands that the smuggling of tea now was in, and to their continuing to send home their fortunes in tea, the present Bill would not put an end. Nay, if it were to have an effect, which he did not believe belonged to it, and took away from the smugglers all profit on tea, still he was of opinion that the plunderers of India would continue to send home their fortunes in tea, and that they would do it, even if the practice were attended with some degree of loss. At present the tea trade, with all the smuggling that existed, yielded a vast revenue. Indeed, it had ever been held by the wisest men who had written upon the subject of taxation, that no object was so fit to tax as tea and tobacco. They were both articles of foreign growth, both luxuries, and both in very great but not very necessary use. Perhaps if no tea had ever been imported, it would have been better for the country, because then some other article the produce of our own soil, and an equally profitable source of revenue, would, in all probability, have been in use. Every way considered, tea was a fit article of taxation, and certainly no tax was so easy as a tax on consumption. In order to make the new duty on tea imposed by the present Bill equal to the produce of the old, it would be worth while for their lordships to examine what quantity of tea must be sold in future. According to the arguments urged in support of the present Bill, the tea in future was not to be raised in price; if the fact turned out so, which he did not think it would, the quantity to be sold in order to make the produce equal to what it had been, would astonish their lordships when it was mentioned; more than five times the quantity sold yearly that had formerly been sold would not do it. Thirty millions of pounds of tea at 12½ per cent. duty, would not produce a revenue equal in amount to the old revenue. His lordship reasoned upon the improbability of such a quantity being ever sold in England, observing that all Europe collectively were stated, by the best accounts, to import on an average but 19 millions of pounds, and the consumption of Great Britain had never amounted, upon the largest calculation, to more than thirteen millions of pounds. His lordship said, it was evident the idea of deriving a revenue adequate to the old revenue from the extension of the quantity of tea that paid duty, was neither more nor less than a fallacy. But even were the case otherwise, and had not the learned lord fallen into a palpable error, the fact was not that the alteration proposed by the Bill would enable the fair trader to rival the smuggler, because there was infinitely a larger profit left for the temptation of the smuggler than their lordships seemed to be aware of. Exclusive of the 12½ per cent. new duty, by the Bill the Company were allowed a 5 per cent. mercantile profit: to this was to be added 7½ per cent. difference upon the expense at which the Portuguese, Danes, and Swedes, navigated to and from India cheaper than our East India Company could do. That there was this difference was a matter of notoriety, and therefore, adding the whole together, there remained 25 per cent. profit to induce the smuggler to continue to carry on his trade.

Having enlarged upon this, and upon the madness of abandoning a permanent revenue of 900,000*l.* a year for ever, his lordship proceeded to investigate the other part of the Bill, that which proposed a new duty on windows: a tax which, he said, would have the most mischievous effect, and would go in a great measure to the depopulation of the country. He

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asked if that was a matter really aimed at by the minister? Because he had first laid a heavy tax upon bricks, made of the soil of the earth, and he now laid a heavy tax on windows; so that men must either build their houses like dungeons, or part with all, or the greatest portion of their income, to support the taxes to which houses were now subject. He desired to know where population was to go on, if people were to be driven from the preservation of houses? Was it to be in taverns or ale-houses? He asked, where was the harm of smuggling? It was immoral, and it led to the commission of crimes; but it cost the state no more than it took away from the revenue. He had proved, that with all its mischievous effects, it left the revenue in possession of an annuity of near a million of money. He ridiculed the device of putting an end to smuggling by taking off all the duties, and said, it reminded him of the notable project of a writer on philosophy, who had whimsically proposed to cut off men's feet in order to save the expenses of shoes. He said, any person of the most ordinary capacity could have hit upon a similar device. He professed, however, his astonishment that a person of the acuteness and discernment of the learned lord, should have called the tax on windows a commutation. It was, he said, nothing like a commutation, and this he supported by explaining what a commutation was, in the real meaning of the word. He shewed that by this Bill all housekeepers would be compelled to pay heavily for that, which, as the matter stood at present, many of them never tasted. Tea, it was true, was pretty generally drunk in large towns and villages, but that was not the case in the country. In many parts of the kingdom, among the farmers especially, little or no tea was consumed; and yet the farmers would be forced to pay very heavily towards the new window duty. This, he declared, was a fact which he had inquired into, and had learnt from the information he had received from several clergymen, who were competent to give him the intelligence. Having gone very fully into the subject, he said, the plain fact was, the Bill was a project of the East India Company, and was calculated to serve them, and them only. He explained the matter in which it would serve them, by stating that it exonerated them from the payment of the customs, in the first instance, and added to the remission of the sum due for duties, as well as the remission of all interest for the same. He declared, that this being the purpose of the Bill, and not what was its pretended object, it ought to have been so stated openly and fairly. He urged this strenuously, and animadverted on lord Thurlow's having termed the counsels that had brought upon the country its present burthens, unfortunate counsels. He said, he presumed by that phrase the learned lord meant to cast no imputation upon those who gave those counsels; because, had any person attacked the counsels in question, he should have imagined the learned lord, from his situation at the time, and from his connexion with those who gave the counsels, would have been the fittest to have risen and defended them against all imputation. His lordship concluded with declaring, that he did not flatter himself that what he had said would prevail against the Bill, but he had thrown it out with a view to impress it on their lordships, under a hope that, in a cooler moment, when they could reflect upon what he had said, fairly and impartially, and consider it abstracted from the circumstances of its coming from one side of the House in answer to what had been said by the other in a debate, they would revolve it in their minds, and pay it that degree of attention that it would then appear to merit.

Lord *Sydney* said a few words in support of the Bill, alleging that tea made a part of the consumption of almost all descriptions of persons in the kingdom: that it was not only drunk in the cottages of the poor, but under the hedges by the highway side. His lordship enforced the Lord Chancellor's argument, that take tea out of the hand of the smuggler, and you take away the basis of his trade.

Viscount *Stormont* reprobated the Bill, as abolishing an optional and productive tax, and imposing a compulsory one, of the most odious, partial, and unjust nature. His lordship compared the new window tax to the detested *gabelle* of France.

The House then went into the Committee. After which the Bill was read a third time and passed.

The King's Speech at the Close of the Session.] August 20. The King put an end to the Session, with the following Speech to both Houses:

"My Lords and Gentlemen;

"I cannot close this Session of parliament without returning you my warmest

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thanks for the eminent proofs you have given of your zealous and diligent attention to the public service.

"The happiest effects may be expected from the provisions which you have made for the better government of India, and from the institution of a tribunal so peculiarly adapted to the trial of offences committed in that distant country.

"I observe, with great satisfaction, the laws which you have passed for the preservation and improvement of the revenue. No exertions shall be wanting on my part to give them vigour and effect.

"Gentlemen of the House of Commons;

"The zeal and liberality with which you have provided for the exigencies of the public service, and the assistance which you have given me to prevent a growing arrear in the expenses of my civil list, demand my particular thanks.

"I feel in common with you for the unavoidable burthens of my people.

"The importance of effectually supporting our national credit, after a long and exhausting war, can alone reconcile me to so painful a necessity. I trust, the same consideration will enable my faithful subjects to meet it, as they have uniformly done, with fortitude and patience.

"My Lords and Gentlemen;

"The definitive treaty which has been signed with the states-general of the United Provinces, and the peace concluded in India, as well as the assurances which I receive from foreign powers, promise the continuance of general tranquillity.

"I trust, therefore, that, after so laborious a session, it will not be found necessary to call you again together at a very early period.

"Many important objects, with respect to our trade and commerce, which could not now be provided for, will naturally require your attention after the recess; and such regulations will, I trust, be framed, after a full investigation, as shall be found best calculated to promote the wealth and prosperity of all the parts of the empire."

The parliament was then prorogued to the 26th of October. It was afterwards further prorogued to the 25th of January, 1785.

1785.

SECOND SESSION

OF THE

SIXTEENTH PARLIAMENT

OF

GREAT BRITAIN.

The King's Speech on Opening the Session.] January 25, 1785. His Majesty opened the Session with the following Speech:

"My Lords and Gentlemen;

"After the laborious attendance of the last session of parliament, it has given me peculiar pleasure, that the situation of public affairs has admitted of so long a recess.

"Among the objects which now require consideration, I must particularly recommend to your earnest attention the adjustment of such points in the commercial intercourse between Great Britain and Ireland, as are not yet finally arranged: the system which will unite both kingdoms the most closely on principles of reciprocal advantage, will, I am persuaded, best ensure the general prosperity of my dominions.

"I have the satisfaction to acquaint you, that notwithstanding any appearance of differences on the continent, I continue uniformly to receive, from all foreign powers, the strongest assurances of their good disposition towards this country.

"Gentlemen of the House of Commons;

"I have ordered the estimates for the ensuing year to be laid before you; I confide in your liberality and zeal to grant the necessary supplies, with a just regard as well to the economy requisite in every department, as to the maintenance of the national credit, and the real exigencies of the public service.

"My Lords and Gentlemen;

"The success which has attended the measures taken in the last session towards the suppression of smuggling, and for the improvement of the revenue, will encourage you to apply yourselves with continued assiduity to those important objects. You will, I trust, also take into early consideration the matters suggested in the Reports of the Commissioners of Public Accounts, and such further regulations as may appear to be necessary in the different offices of the kingdom.

"I have the fullest reliance on the con-

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tinuance of your faithful and diligent exertions in every part of your public duty. You may at all times depend on my hearty concurrence in every measure which can tend to alleviate our national burthens, to secure the true principles of the constitution, and to promote the general welfare of my people."

Debate in the Lords on the Address of Thanks.] His Majesty having retired,

The Duke of *Hamilton and Brandon* rose to move an Address of Thanks. His grace said, that he rose in the sense of the duty which he owed to his Majesty, to express his feeling and gratitude on a Speech so graciously conceived, and so indicative of his Majesty's zeal and love for his people. He was sorry that a duty so honourable was not to be discharged by an abler person; but he trusted in the goodness of their lordships, that they would indulge him for a minute while he declared how much he approved of the Speech which they had just heard. The settlement of the commercial connexion between this country and Ireland was an object of such serious concern, that he knew their lordships would agree with him in thinking that it could not be more zealously recommended from the crown than it would be cheerfully taken up by the House. It must be highly pleasing to their lordships as well as creditable to his Majesty's ministers, that at a time when alarms were given of contests on the continent, we had so borne ourselves as to receive pacific assurances from all the neighbouring powers. The suppression of smuggling was an object the most desirable, and the reforms suggested by the commissioners of public accounts, whose labours did them so much honour, were productive of such obvious benefit, that he was sensible their lordships would be happy to give his Majesty assurances of their readiness to second his gracious ideas in that respect. On the whole of the Speech he was convinced there needed no argument to induce their lordships to agree with him in the propriety of an Address of Thanks. He therefore should content himself with moving the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your Majesty's most gracious Speech from the throne,

"Permit us to express to your Majesty our most grateful sense of your Majesty's regard for our private convenience in not commanding from us an earlier attendance in parliament.

"Your Majesty may rely on our faithful and diligent exertions in every part of our duty; and, truly sensible of the importance of the object, we beg leave to assure your Majesty, that it is our determination to give our immediate attention to the adjustment of such points in the commercial intercourse between Great Britain and Ireland as are not yet finally arranged; trusting that such a system may be formed as may best ensure the prosperity of both kingdoms, by closely uniting them upon principles of reciprocal advantage.

"We desire to return to your Majesty our warmest thanks for your gracious communication of the assurances which your Majesty continues to receive of the good disposition of foreign powers towards this country, notwithstanding the differences which appear to prevail upon the continent.

"The information your Majesty is pleased to give us of the success which has attended the measures taken in the last session for the suppression of smuggling, and for the improvement of the revenue, affords us the greatest satisfaction; and your Majesty may be assured that we will apply ourselves with unremitted attention to points of such great concern to the prosperity of this country, and that we will take into our early consideration the matters suggested in the several reports of the commissioners of public accounts, as well as such further regulations as may appear to be necessary in the public offices of the kingdom.

"From the experience we have had of your Majesty's paternal regard for the interests of all your subjects, we beg leave humbly to express to your Majesty our fullest confidence in the gracious assurance of your Majesty's hearty concurrence in every measure which may tend to alleviate the national burthens, to secure the true principles of the constitution, and to promote the general happiness and welfare of your people."

Lord *Walsingham* said, that in seconding the motion of the noble duke, he should presume only to trouble their lordships with a few sentences, in addition to what his grace had so forcibly and fully recommended to their notice. The topics

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held out to the attention of parliament, in his Majesty's most gracious Speech, were so worthy of their most serious regard, and were in themselves so important, that he was conscious there needed not the weighty influence of his Majesty's recommendation, to induce their lordships to take them into their view. The full and final accomplishment of a liberal system of commercial connexion between the two kingdoms of England and Ireland, was a thing which every good man of both countries must be anxious to behold. Their lordships would, no doubt, be most ready to give his Majesty assurances, that they would co-operate with his Majesty in his patriotic views on this subject; and that, from their earnest efforts on this head, they might hope to see a system formed so broad and liberal, so becoming the enlarged sentiments of an intelligent people, and framed on such principles of justice and wisdom, as might at once be beneficial to the two countries respectively, and conducive to the general interests of the united empire.—The conduct of his Majesty's ministers, in so wisely and advantageously preserving us from all share in the differences which appeared on the continent, was highly deserving the thanks of that House. Relieved so lately from a war which had cost us so much, and panting for repose, their determined neutrality had been dictated by the best policy; for, by these means we should have leisure and opportunity to review our circumstances, which, he thanked Heaven, were yet prosperous, and to improve them by those means of internal regulation that he averred we had in our power, and by which we should be enabled to assert our station among the kingdoms of Europe. The reforms of office, and the various regulations suggested by the commissioners of public accounts, were certainly most deserving of their lordships regard, and they would therefore, he was persuaded, most cheerfully concur with his Majesty in that object.—In regard to the suppression of smuggling, he believed there was but one sentiment. It was an evil of so ruinous a nature, that their lordships must be happy to hear that the measures of last session had been productive of good. It would be their object to persevere in their endeavours to fulfil the work they had begun, and totally to suppress the evil. It would be unnecessary for him to enlarge on the injuries which the unrestrained practice of smuggling brought on a commercial country; in the destruction of the morals, in the alienation of the minds of the citizens, in the debaucheries which it occasioned, as well as in the loss of revenue, and the consequent increase of burthens which it brought on the fair trader and industrious artizan. The number of people engaged in contraband trade, before the late Acts, would astonish such noble lords as might not have turned their eyes to the subject. It would surprise them to hear that it cost the nation no less than 200,000*l.* a year for the efforts which they made to watch and prevent the commission of their frauds; and they would be happy to hear that the measures taken lately by parliament had been so successful, that in the last year there had been an increase in the customs of 400,000*l.* and in the excise of a million. This was not all; these advantages had not been accompanied by the evils which were foreseen. Apprehensions had been entertained, that when the adventurous body of men engaged in the smuggling trade were prevented from the farther practice of their frauds, they would emigrate, that they would carry with them their capital and enterprise to foreign countries. This, however, had not ensued; for he was happy to find, that, by the liberal and prudent Act of oblivion which had been passed, these men had not been induced to abandon their country, but were daily striking out new and legal paths, and that numbers of them were at this time solicitous of being engaged in a trade highly beneficial to the country—the Newfoundland fishery. The noble lord said there was much to be done yet for the entire suppression of contraband dealing; and he was persuaded that the farther wisdom and ability of parliament employed on this point would give an accession of vigour to the state, beyond the warmest imaginations of men. He concluded with saying that the Speech, having thus, in all its points, his entire concurrence, he with pleasure had risen to second the Address.

The Lord Chancellor then put the question, and the Address was agreed to *nem. dis.*

The King's Answer.] To the above Address, his Majesty returned this Answer;

"My Lords;

"I return you thanks for this dutiful and affectionate Address.—Nothing can give me more satisfaction, than your assurance that you will immediately enter

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into the consideration of the matters which I have laid before you.—You may depend upon the utmost care and attention on my part, to settle every thing which concerns the interest of my kingdoms, upon a solid and durable foundation."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, the Speaker read his Majesty's Speech. Upon which,

Mr. *Phelips* rose and congratulated himself on the satisfaction which it gave him, to have the honour of moving an Address for the most gracious Speech from the throne, which had just been read to the House. It was not his intention to recapitulate the various topics to which the Speech related; but it was peculiarly incumbent on him to mention, on this occasion, that when the commutation business was brought forward, he had certainly differed from his Majesty's ministers on the propriety of that measure. It had been his opinion, that before so heavy a burthen was permanently imposed on the subject, it ought to be tried as an experiment for a limited time, in order that the matter might be subject to farther consideration, and altered and improved as should appear most expedient to the wisdom of parliament. It had then appeared to him premature; and he therefore gave his negative to what he conceived must have proved ultimately abortive. He was now, however, well pleased to find he had been in a mistake; and he heartily gave the minister credit for his consummate foresight in opposition to the opinion, not only which he entertained, but which was entertained by many others. He trusted the House would unanimously adopt an address of thanks to the throne, for the interesting measures recommended to parliament in the Speech; and especially for that attention to economy which discriminated the conduct of the present administration. He owned himself the more struck with their frugality and management, on recollecting with what a lavish hand the revenues of this country had on a former occasion been squandered. He concluded with moving the following Address:

"Most Gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"We beg your Majesty will be assured, that we shall resume the consideration of public business with the same principles of duty to your Majesty, and regard to the interests of our constituents, which we have endeavoured to manifest in all our proceedings.

"That we will not fail to give our most earnest attention to the adjustment of such points as are not yet finally arranged in the commercial intercourse between Great Britain and Ireland; fully agreeing with your Majesty, in thinking that the system which will unite both kingdoms the most closely, on principles of reciprocal advantage, will best ensure the general prosperity of your Majesty's dominions.

"We beg leave to assure your Majesty, that it affords us the truest pleasure to be informed, that notwithstanding any appearance of differences on the continent, your Majesty continues to receive such satisfactory assurances of the good disposition of foreign powers towards this country.

"We beseech your Majesty to believe, that we shall at all times be ready to grant such supplies as are necessary for the maintenance of the national credit, and the real exigencies of the public service.

"That we are deeply sensible of your Majesty's paternal goodness and care for your people, in recommending to us, at the same time, a just regard to the economy requisite in every department; a duty which your Majesty's faithful Commons feel always incumbent upon them, and, at this time, peculiarly indispensible.

"We assure your Majesty, that we see the importance of every exertion which can tend to the suppression of smuggling, and the improvement of the revenue; and that we shall continue to apply ourselves, with unwearied assiduity, to those important objects.

"That we shall also proceed, with as much expedition as possible, to the consideration of the reports of the commissioners of accounts, as well as of such further regulations in the different offices of the kingdom, as may appear likely to conduce to the public advantage.

"We intreat your Majesty to be assured, that our utmost endeavours shall not be wanting to justify your Majesty's gracious reliance on our diligent attention to every part of our public duty; and that we receive with the warmest gratitude and satisfaction, the assurances of your Majesty's

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concurrence in every measure which can tend to alleviate the national burthens, to secure the true principles of the constitution, and to promote the general welfare of the people."

Mr. *Gerard Noel Edwards* rose to second the motion. Young as he was, he would speak the language of an independent member of the British House of Commons. His loyalty to his sovereign, his regard for the constitution, his love of his country, and especially his attachment to the right hon. Chancellor of the Exchequer, determined him, notwithstanding the agitation he felt in addressing himself to the House, under feelings peculiarly embarrassing, thus to do his duty. He was satisfied in his own mind, that a very important service had already been rendered to the country by the suppression of smuggling on our coasts. This was a measure, the wisdom and utility of which he was happy it was in his power to attest. Notwithstanding what had been clamoured to the contrary, the good effects of that Act were felt and acknowledged in every place where the inconvenience of smuggling proved a grievance. He would not go into a long statement concerning the salutary consequences of that Act, which had been represented as so obnoxious. He owned, however, that the minister stood in no need of panegyric; that his own actions were the best eulogy he could receive from friends or foes; and that whatever might be said of them, his own countrymen would long acknowledge their merit, as he hoped they would long derive peculiar advantages from them. These being his sentiments, it was with the sincerest approbation that he seconded the Address.

The Earl of *Surrey* begged that his animadversions might not be understood as applying any censure on that independence avowed by the hon. mover and seconder, though he could not help putting them in mind, that the part they took in the debate would be considered as a kind of pledge both to the House and the public, that they were resolved to support the measures of the present administration. He had no fault to find with such a resolution, but trusted his strictures would not be misconstrued, when he considered what fell from them as coming before the House with a considerable degree of authority. He did not wish to debate the Speech: he thought it contained but little that merited either praise or blame, or would admit of any degree of speculation. Those parts, however, which lay most exposed, and invited inquisition most, he thought it his duty to mention. The Speech from the throne had always been considered as furnished by the minister, and was intended, according to his ideas of it, to sketch out the business of the session. In his apprehension the present was a very imperfect sketch, as containing many important omissions, which could not fail of exciting considerable jealousies in the minds of the public. It was a collection of hints, many of which he did not sufficiently understand; it held out some objects of infinite consequence, but these in a light almost totally unintelligible. By the form of expression in which the estimates were mentioned, he was altogether at a loss to know whether any new burthens were to be imposed or not. If the minister had the prospect of realizing the idea of carrying through the necessities of the year without farther burthens, he thought it a pity not to make the public acquainted with such good news; but, if no such idea was in contemplation, he appealed to the House, whether the words thus used might not tend to cherish such an idea in the minds of the people: he certainly gave the minister much credit for his attention to the public expenditure, and was therefore the more astonished, that on this occasion nothing of that kind was hinted in the Speech. Another matter he had expected to have heard something upon, and that was the farther reduction of the army. Having thus stated what might appear to the House to be deserving of some blame, he would proceed to the more agreeable task of pointing out things in the Speech that gave him great pleasure. The manner in which Ireland was mentioned was one of these: the subject was a delicate one, and he thought it wiser to touch upon it in a general way, than to point specifically to any particular design in respect to that country. He mentioned the attachments that had been lately issued against sheriffs of the counties in Ireland, for having convened what he could not consider but as a meeting perfectly legal and perfectly constitutional. The circumstance was extremely alarming; he trusted, therefore, that it was meant to do something upon the subject. To assemble for the purpose of considering of a parliamentary reform, appeared to him to be the last matter that should be proceeded against, more especially in so extraordinary a way as by at-

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tachment. His lordship descanted also on the last section of the Address, and particularly on his Majesty's assurance of his hearty concurrence in every measure that could tend to 'secure the true principles of the constitution.' The expression, he remarked, was a general one, and required some explanation. A late attack had been made on the rights of juries,* that had shocked and alarmed the whole kingdom. Was that to be comprehended under the allusion? And was it meant to come to such measures as should effectually secure the rights of juries for the future? He declared he meant not to say any thing personal or invidious with regard to the learned judge, by whom the attacks upon the rights of juries had lately been made. On the contrary, he had the first opinion of his abilities; he believed him to be as learned as any man in Westminster-hall, and that he meant to do every thing that was right and proper. Nay, so high did he stand in his character of a judge in the general opinion, that he had been almost universally looked up to, before the event alluded to, as the fittest person to fill that eminent situation in the law, that might, in the course of nature, in a few years become vacant. He only wished to know, whether the rights of juries was the matter alluded to; or whether the Westminster scrutiny, by which the rights of election had been violated, was what the expression bore reference to? Perhaps it might be the reform of the representation in parliament that was meant. All bills, he observed, necessarily required the concurrence of the three distinct branches of the legislature; but if there was any matter likely to be agitated in parliament, that more particularly belonged to their single consideration, and to which, if they made up their minds, it might be expected that the other House and the crown would not deny their consent, it was undoubtedly a reform in the representation of the people. His lordship concluded with saying, that although he did not mean to propose any amendment, or wish to object to the Address that had been moved, yet, unless some explanation was given him by the minister, or some of his friends, on the several heads to which he had alluded, he should think himself obliged to refuse his consent to the motion.

Mr. Chancellor *Pitt* rose, after some little pause, and said, he had thought it his duty to wait, in order to hear what objections could possibly be made to the Address just moved, that he might once for all satisfy such gentlemen as wished for any explanation respecting any part of the Speech or the Address. From the silence of the House, and the strong appearance of unanimity, he augured well of the ensuing session; and he rose then to say a word or two upon what had fallen from the noble lord; but he should hope for the indulgence of the House if any farther observations should be made in the course of debate, that might require an answer. The noble lord, he remarked, had set off with asserting, that he saw many deficiencies in the Speech and Address: an assertion which, if his memory served him correctly, the noble lord had not completely made good, having stated no more than two matters, which he had charged as deficiencies, and which would have been in his opinion rather extraordinary, had they been noticed in the Speech. With regard to the first of these, viz. the question whether there was to be a loan and any new taxes, those were points which he conceived that was not the proper day for discussion. The language of the Speech, however, gave no intimation that could warrant any conclusion similar to that suggested by the noble lord; indeed, it would have been equally novel and singular for his Majesty to have said any thing like it to his parliament, because it was not possible for the facts to be known, which could alone have justified any such declaration. The language of his Majesty to that House on the subject of supply, was the language proper for his Majesty to hold. In the Address they had promised to fulfil his Majesty's expectations; to grant such supplies as the maintenance of the national credit, and the real exigencies of the public service, might require.—It was only necessary, in this summary manner, to pledge themselves to their constituents, that their measures would be squared by the necessities of public affairs. He was therefore at a loss to conceive at what species of information the noble lord pointed. He certainly could not suspect there was any intention of drawing him off his guard, or tempting him from that line of prudent reserve which it was his

* The noble earl here referred to the doctrine laid down by Mr. Justice Buller, on the trial of the dean of St. Asaph, "that juries had no right to judge of the law, but of the fact." See Howell's State Trials, Vol. XXI, p. 944.

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duty to maintain. Whatever the idea of the noble lord might be, all he was at liberty to say was, that it was the great object of administration to narrow the public expenditure as much as ever they could. This was their great principle; and he was not without hopes that they would be able to carry it through every department of the state. They were united in the resolution of supporting, by all their influence and address, the credit of the nation. But this could not be done without providing for the unfunded debts. Every retrenchment, then, which any office might admit of, would certainly be carried into the speediest execution; and so far was he of opinion what the noble lord had said concerning the reduction of the army was answered. He presumed gentlemen on all sides of the House would think it peculiarly premature to enter now into a particular investigation of such topics as, in the course of business, must infallibly come under separate and minute discussions. The time when the reduction of the army came to be debated, would be on laying the estimates specifically before the House; then an opportunity would occur for stating whatever objections could be fairly brought against administration on that subject: but to anticipate such a debate would be out of all order.—Undoubtedly it was perfectly constitutional for his Majesty's Speech to be considered in that House as the speech of the minister; this, for the purpose of debate, custom had very properly sanctioned; but he believed it had not been usual to push the idea to such an extent, as to consider the speeches of the mover and seconder of the Address as the speeches of the minister likewise. This, however, the noble lord had done, for the first time, that day; nay, he had done more—he had even censured the mover and seconder, not for what was, but for what was not, in their speeches; for certainly neither of the hon. gentlemen had said one word on the subject of a reform in the representation: not that he was sorry for what the noble lord had said upon that subject; on the contrary, he was extremely glad that a parliamentary reform had been mentioned. Perhaps he did not differ with the noble lord in thinking that the most practicable mode of accomplishing the object of amending the representation of the people, would have been to bring it explicitly forward in his Majesty's Speech. Great and wise men had entertained various conceptions of that important matter. He was willing to give it all the fair play to which the ardent desire of the people, its own consequence, and his sincere inclination, entitled it. On this business he laboured incessantly; it was that which, of all others, was the nearest his heart; and at this very early period of the session to have stated it specifically, was impossible. Much was still to do. His ideas were not matured. It comprehended a great variety of considerations: it related to the essentials or vitals of the constitution; it therefore required the most delicate and unremitted attention: it was a path which he was determined to tread; but he knew with what tenderness and circumspection it became him to proceed. He hoped, however, in a few days to be able to name a day in which he should have the honour of submitting his proposition to the House. It was his aim to propose a specific plan of reform, which, in his judgment, would be an improvement of the constitution, as it would confer permanency and effect on those principles which constituted its distinguishing excellence. To this measure he pledged himself, but did not feel any obligation to define it at present, nor was he willing to bring it forward too early, lest he might not leave himself sufficient time for digesting what he should think it incumbent on him to lay before the House. But he was anxious to improve his plan with whatever was requisite to render it effectual, and to bring it on with every solemnity which could contribute to its influence and respectability. He should therefore choose that a motion for a call of the House should precede it, in order that the friends and opposers of the motion might have a fair invitation either to support or contest it. He begged that honourable gentlemen on all sides, whatever their opinions might be, would divest their minds of every prejudice, and endeavour to meet this important discussion with candid minds, biassed by no prepossession or predilection to any mode of representation preferable to another, and influenced by none of the schemes and writings which they had seen of late. In this disposition of mind, the object would be impartially investigated; and this was their duty on all questions which challenged their attention, as the delegates of a great and powerful people; but it more particularly became them to decide the subject of a reform in the represen-

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tation of their constituents, as that was a business in which they were more immediately and deeply interested. He offered no advice to them which he would not himself endeavour to practise. He thanked the House for their attention. He presumed he had not encroached on their patience more than his duty and situation made it necessary. He was always proud of their indulgence and confidence; and he should make it the study of his life to abuse neither the one nor the other.

Lord *North*, in acquiescing with the Address, which, from the faithful Commons to the throne, he thought could never be too unanimous, was, notwithstanding, solicitous that his sentiments might not be misunderstood. He protested against the charge of presumption in what he had to observe; no man was less willing than he was to suggest any thing which might lessen the union which the present Address was likely to meet from the obvious temper of the House; but as the words might be construed more ways than one, he should be excused in pointing out that sense in which he was willing to agree with them. The words were all elegant and unexceptionable. They were only liable to be mistaken as conveying a meaning which he was aware the right hon. gentleman never intended. This much he was happy in, that he could very cordially and sincerely join issue in the Address, which, like all other addresses, was no more than an echo to the Speech. He was as firmly persuaded as any man, that his Majesty was ready to give his hearty concurrence in every measure which can tend to alleviate our national burthens, to secure the true principles of the constitution, and to promote the welfare of his people. Unfortunately, some small differences were entertained concerning what those measures were which were most calculated to secure the true principles of the constitution. He disclaimed any sentiments whatever which had not this direct, invariable, and unequivocal tendency. He was shy to say what his opinions were, and there could be no reasoning on what was not known; but there were other channels of information than from the minister in his ostensible capacity in that House. It was certain the public had other conceptions than those oblique and covert ones that the minister had barely glanced at now. His lordship then referred to the Rev. Mr. Wyvill's letter,* which taught the people to believe that an equal representation was a measure to which the minister had pledged himself both as a man and a minister. He rejoiced to find this declaration premature; that it was not authorized; and that the question was to take its chance, without having any dependence whatever on his official capacity. He confessed that letter had not a little alarmed him, as it threatened to bring an influence in, and on that side, which he should always resist, much more formidable than all the right hon. gentleman's eloquence, which he acknowledged was itself sufficiently powerful. He hoped, however, gentlemen would pause a little on what their suffrages were thus likely to be demanded. The point was no new one; it had been discussed by gentlemen out of place, and with a weight of argument, which all his honours could, apart from the fond suggestions of ambition, but little augment.

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* The following is the Copy of a Circular Letter sent by the Rev. Mr. Wyvill to the Chairmen of the several Committees of the counties and cities associated for the purpose of obtaining a reform in the representation of the people:

"*Nerot's Hotel, King Street, St. James's, Dec. 27*, 1784.

"Sir; I am authorized by Mr. Pitt to declare, that he will bring the subject of a parliamentary reformation before the House of Commons as early as possible in the next session; that he will support his intended propositions to the utmost of his strength, and that he will exert his whole power and credit, *as a man, and as a minister, honestly* and *boldly*, to carry such a meliorated system of representation as may place the constitution on a footing of permanent security. I am happy to communicate this intelligence, which, I trust, will give pleasure to you, Sir, and to every firm and unquestionable friend to the rights of the people. And from recent communication in Yorkshire, I can venture to assure you, that it is highly probable, if the borough of and other respectable bodies, should be heartily disposed, on this occasion, to testify their sentiments in favour of political reformation, a vigorous effort would be made in Yorkshire, in concurrence with them, to give effectual support to the necessary measure—the improvement of our representation. I am, with great respect, &c. C. Wyvill."

"As the appearance of this intelligence in the newspapers, for some time, would do infinite disservice to the cause, I would request you to *avoid* that with caution; though, short of publication, I think it cannot be too generally known."

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Was it not then thrown out by a great majority? What could be urged in its favour which had not already been urged in this House? Gentlemen would do well to take care how, thus circumstanced, they dispose of their opinions. However conscientiously they may act, the public will pronounce on what they do; and it remains with them to determine whether it would, on such a supposition as this, be possible to account for their relinquishing their former sentiments, grounded on conviction and fair and upright principles of conduct. He was, therefore, as serious as the minister could be, in exhorting gentlemen to enter on the decision of this great principle with singleness of mind. Nothing could affect the constitution more deeply. It involved all that was dear to Englishmen, all that did reverence to our ancestors, all that rendered the name of Britain respectable to friends and foes. He conjured every member of the House, on that account, to revere the system of policy which had been handed down from generation to generation with so much zeal, and at such an expense of blood and treasure. This was their duty to their country, to their king, to their constituents, and to their posterity. To talk of securing the true principles of the constitution by any innovation, appeared to him to be a direct contradiction in terms; he could not, for that reason, listen to so strange a position. He joined with the right hon. gentleman most heartily in his earnest entreaty that gentlemen would not suffer their minds to be prejudiced. He begged that nothing might be suffered to bias their minds. He hoped, that not only what the man had formerly said, but what the minister had said that day, would not be suffered to make the smallest impression. The influence of a great minister was, in his mind, as bad an influence, and as necessary to be guarded against, as any influence whatever. His lordship here proceeded to comment on Mr. Wyvill's letter. He selected that part of it, which stated that Mr. Pitt had promised to exert his whole power as a man and as a minister, honestly and boldly, to carry a proposition of a parliamentary reform; and asked, what was meant by the opposition of the word 'minister' to the word 'man?' He presumed the meaning was, that the minister was to do something more than the man could do, and what that something was, he declared he was at a loss to imagine. He asked also what was meant by the words 'honestly and boldly?' and enumerated the former efforts made by Mr. Pitt to procure a parliamentary reform, in order to prove that a minister could do no more than a man, but that by the introduction of the words 'honestly and boldly,' it appeared as if a suspicion had been entertained that the minister would not do as much as the man. He reminded such gentlemen who had formerly voted against a reform, of the indelible disgrace they would infallibly entail on themselves, if they gave the minister that support which they had formerly refused to the man. He then remarked, that it might be a matter of great inconvenience that the subject had been agitated that day, and expressed a wish that the minister had not lent it the weight of his authority and interference in the manner in which he had delivered himself in the course of the debate. The circulation of an intention to make any proposition of reform, was a matter in his opinion extremely dangerous. Nay more, Mr. Wyvill, in the postscript to his letter, had declared that he thought the publication of that letter dangerous. How Mr. Wyvill could reconcile it, that it was safe to have printed what he had himself declared it was dangerous to have published, or how he could justify circulating the letter throughout the whole kingdom, after having given it as his opinion that it would be dangerous to have it published, he could not conjecture. His lordship declared, that his reason for assenting to the Address was, because the words of the last paragraph in the Speech were so general, that he could do it with a safe conscience. Instead of considering them as having reference to a parliamentary reform, they might possibly allude to the proceedings at Westminster, to that unconstitutional and most oppressive violation of the rights of election; or they might allude to the late attempts to deprive juries of their powers, or to any thing else. Lord North touched upon Ireland, and said, he could not conceive how that could be criminal in Ireland, and punishable by attachment from the court of King's-bench, which was publicly encouraged in Great Britain by the King's minister; he said he had no manner of objection to adjusting such points in the commercial intercourse between this kingdom and Ireland as had not been finally arranged; but the word 'reciprocal,' he declared, rather alarmed him, and hurt his ear. It reminded him of the definitive treaty between Great

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Britain and America, in which reciprocity was declared to be the cement of perpetual peace and harmony, and yet every body knew, that in the future articles of that treaty, all the reciprocity was on one side. He hoped the same sort of reciprocity was not about to be established, but that the new interpretation of the word 'reciprocal' was to be abandoned, and the old sense restored.

Mr. *Burke* remarked, that though the present was one of the shortest Speeches ever heard, yet, that so far from its meeting with that unanimity which the minister had been in such a hurry to flatter himself with, it had provoked as many different opinions as the longest speech ever made had excited. He compared it with the speech from the throne in the administration of the earl of Shelburne, and said, it seemed as if the same persons who produced that famous catalogue of professions and promises, had produced this, and that having had so large a litter in 1782, they were exhausted now, and able only to bring forth the little sneaking remnant on the table. He ridiculed the speech of 1782, and compared it to the large pye which the hospitable lord Surrey had presented to his constituents at Carlisle. The speech of 1782 was, he said, in like manner an enormous chicken, duck, hare, goose, pye, fit to be set upon the table as a matter to be admired as well as to be eaten; whereas the present Speech was one of those petty patties that people all relished. It was so full of equivocation and double-meaning, that every man of every opinion might find some part or other of it that would meet his sentiments, or bear a construction similar to his sentiments, be they what they might. Thus, one of his noble friends had said, he approved it, because it bore a concealed reference to a parliamentary reform; another noble friend approved it, because it did not convey any such meaning; and before the debate was over, he had no doubt but numerous other reasons, of a nature equally opposite and various, would be assigned for assenting to it. With regard to the intended motion for a parliamentary reform, he understood it was to consist of an addition of sixteen. If any alteration were made, he should consider it as the death and burial of the constitution, and it was indifferent to him whether it was buried in linen or woollen, whether it had sixteen or sixty more pall-bearers. He adverted to the late proceedings against the Irish sheriffs, unjustifiable, he said, on principles of reason or of law. They were not by way of information or indictment, but by an attachment *ex officio*, wherein, without any application made, the King's-bench assumed a power unknown to the constitution. I do not, continued he, mean to make any particular inferences from the affairs of Ireland, distinct as it is from this, an imperial kingdom itself; but must arraign the conduct of that minister who can thus punish in one kingdom what all his authority is employed to recommend in another. Will any person say, that on the face of things it implies not a manifest contradiction, or that the *Tyrii bilingues* of antiquity are not renewed in our present hopeful administration. With respect to the Speech, he would say he disliked it, and that for a very strong reason, and that was the unpardonable omission of a subject of the greatest magnitude, a subject, in comparison with which, all consideration of a parliamentary reform, all consideration of Ireland, dearly as he loved his native country, and highly as he wished its welfare, appeared to be trivial toys. What he alluded to, was the total silence of the Speech with regard to the East Indies. Our dominions there were, he said, the greatest stake this country had to risk; and such was the present situation of affairs there, that they called loudly for the immediate notice of parliament. Why ministers had neglected to advise his Majesty to recommend our affairs in the East Indies to their notice, he was at a loss to imagine. There was at this moment in India as great a phenomenon as ever the world had produced. A person, who stood not as a delinquent, but as a criminal, in the eye of that House, whose criminal charge was on the records of their Journals, and whose recal had been ordered by that House; nevertheless, in defiance of their authority, that criminal was at this moment commanding our armies, and directing the expenditure of our revenues in Bengal. In order to convince the House of the terrible situation of our affairs in a particular part of Hindostan, Mr. Burke read to the House the following extract from Mr. Hastings's letter to the court of directors, dated from Lucknow, the 30th March, 1784: "On my way, I had the alarming perspective of a soil so completely exhausted of its natural moisture, by the failure of one entire season of the periodical rains, that, except the

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fields of grain which have been kept in vegetation by the uncommon labour of the husbandmen, and were still clothed with a luxuriant produce, or remained the stubble of the recent harvest, the plains exhibited an appearance of barrenness so dreary, that even the roots of its former herbage no longer existed, and the deep ravines, and beds of rivers, which I passed, threw up clouds of dust from their channels." The country thus described, Mr. Burke said, was larger in extent than England. He expatiated upon the wretchedness of the inhabitants, and reprobated the plan proposed by Mr. Hastings, to withdraw the influence of the British government from Oude for ever. He termed Mr. Hastings a Mussulman, and gave the House information, that all the upper part of Hindostan was in a state of open rebellion, and that Mr. Hastings had actually contracted for a new war in India, and that in fact there would be two wars in that country very shortly. Though the affairs of the East were enveloped in a mysterious secrecy, though the proprietors looked at present more for diamonds than discoveries, yet that the country was in a state of distracted rebellion could not long be concealed. That the criminal against whom that House fulminated its censures, yet retained the reins of government, that he has had the insolence to level his designs against the man (lord Macartney) who had been honoured by the approbation of that House, were facts well known. It remained for him to add, that profusion on the one hand, and peculation on the other, had left no money to purchase the investments of the Company; that even their Treasury orders passed at a discount of 12 per cent.; that the expenses of the establishment had been gradually raised to the enormous sum of 512,000*l.* per annum; and that, thus situated, Mr. Hastings had dared, without the knowledge of government, or the proprietors, actually to engage in a war, hazardous and desperate in the extreme, as if to fill the measure of calamity, and complete the ruin he had begun. He reprobated the idea of thinking to extract from the distresses of Hindostan any alleviation of our burthens, pledged himself in the most solemn manner to support his assertions with proofs the most irrefragable, and concluded by moving an amendment to the Address by inserting, after the word "indispensable," at the end of the sixth paragraph, these words, "and convinced, as we are, by the most decisive and most melancholy experience, that all waste of the public treasure in the East Indies, immediately or mediately applicable to the Company's use, and all diversion of that treasure from public service to the private emolument of individuals, must not only bring an unsupportable burthen on the natives of those countries (multitudes of whom are our fellow citizens, and ought to be the objects of our most tender concern) but has a tendency to bring home the same burthens on the inhabitants of Great Britain, we will, with a care worthy of the magnitude of the objects which such an abuse may effect, employ our most diligent researches to discover, and our best endeavours to bring to condign punishment, the authors of such misdemeanors, if they shall be found to exist."

Mr. *Fox* began with declaring, that though he most cordially concurred in every thing that his right hon. friend had said on the subject of India, and thought it highly necessary that some notice should have been taken of it in his Majesty's Speech, nevertheless he should give the Address his assent; and that he should do so, whether the amendment was carried or not. He then went into a discussion of Indian affairs, declaring that he begged pardon of the East India directors for having supposed that no system of government for India could be so bad as that carried on under their direction. Experience had shewn, that under the present absurd and miserable board of control, as much peculation and corruption was carried on in India as ever. But as this subject would soon be brought forward in the House, either for advice or crimination, he would dismiss it for the present.

He desired not to be understood as pledging himself to any particular measure, by giving his consent to the present Address. As far as what was in it went towards a declaration that the measures lately pursued for the prevention of smuggling had been effectual, he had no objection, because he had been told they had; but if any thing like an approbation of that wild, unjust, oppressive, and severe burthen on the public, the commutation tax, as it was called, was implied under the approbation of the measures against smuggling, to that he did not assent, because he held it in utter abhorrence. It reminded him, he said, of a language that had been held during the administration of the earl of Shelburne, of increasing

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the revenue by taking off taxes; an idea as absurd as ever entered into the mind of man. The commutation tax had acted exactly in the contrary way; it had added to the burthens of the people, without increasing the revenues of the country.

Having stated the hardship put upon the public by the commutation tax, and particularly reprobated as a most ill-timed measure, it being suggested and carried at the very hour when the public were unavoidably to be galled by new and burthensome taxes, Mr. Fox spoke of the unanimity which Mr. Pitt had mentioned with so much satisfaction as marking the proceedings of the day, and advised the Chancellor of the Exchequer not to draw too flattering a presage from the circumstance. He put him in remembrance that the two last addresses at the opening of the two last sessions of the old parliament, had been carried unanimously, and that nevertheless the two administrations then respectively in office, had been speedily afterwards overthrown; a circumstance as little to be expected by them, and as little probable at the time, as a sudden overthrow of the present administration was or could be.—With regard to what had been said on the subject of a parliamentary reform, Mr. Fox declared himself a fast friend to a measure of that tendency, but he could not but conceive that the minister's proposing a specific proposition was the most unlikely means to obtain the end. He proceeded to remark on a letter circulated by the rev. Mr. Wyvill, wherein the Chancellor of the Exchequer was said to have promised his support "as a man and as a minister." Of this he required an explanation; to support as a minister, could literally but mean as a servant of the king; nor could it be tortured into any other sense, unless it applied to the exertion of an undue influence, which the constitution did not acknowledge, and which, therefore, he hoped the right hon. gentleman would disavow. He then alluded to the Westminster scrutiny, of which, he said, he would not at present anticipate a future discussion; but that surely every pretension to reform was in itself a mockery, when such a power was permitted in a returning officer, as to delay the return, for years, perhaps, according to his pleasure.

He then took notice of the reduction of the army, and said, that if, notwithstanding the pacific assurances his Majesty received from all foreign powers of their good disposition towards Great Britain, administration had reason to suspect that something would, or only imagined that something might arise upon the continent, likely to affect the interests of this country, they would do wisely not to reduce the army any lower. He reminded ministers of the necessity for their keeping a wary eye over the conduct of the House of Bourbon, and bid them look to the preservation of the balance of power in Europe, which had ever been thought material to the preservation of the interests of this country. The management of the military force, he observed, was no part of the privilege of that House, but rested in the king and his prerogative. In fact, the army was altogether in the hands of the executive government, and in the nature of things, the conduct must be entrusted to the executive government. His Majesty came to that House to ask a supply for the pay and clothing of the army, and that House had it then in its power to check any abuse the executive government might commit in that respect; but if it were possible that a king of Great Britain could be imprudent enough to keep up too small a military force, in a moment of alarm, (which certainly was not very probable, as kings were generally inclined to maintain as large an army as their subjects would pay for) he, for one, should think it expedient that the House should address the crown, and advise the having a larger army; he hoped, therefore, that administration would not, if they saw occasion to the contrary, think of making a further reduction of the army. Mr. Fox said, he hoped also that administration would have the firmness, if additional burthens were necessary for funding the remainder of the national debt, and for providing an annual surplus of the nature of a sinking fund, for the purpose of diminishing that debt, to propose such measures as were necessary. Let administration be composed of what men it might, however opposite their political opinions, they might rest assured of his hearty support. The objects were great national objects, and in all such he was ready to agree.

Mr. Fox commended that part of the Speech, which advised the consideration of the matters suggested in the Reports of the Commissioners of Accounts, and said, he hoped the consolidating the duties of the customs would be among the matters so taken under consideration. He commended also Mr. Pitt's intention of moving for a call of the House, in order to procure

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a full attendance, when the subject of parliamentary reform should be brought under discussion, and said, he had it in his intention to propose various motions relative to India and other topics, which deserved the maturest consideration. He therefore should take advantage of the proposed call of the House, although the business of the session was likely to be so extremely important, that, in his opinion, every gentleman who had any regard for the public interests, any sense of what he owed to his country, ought to need no greater stimulative to attend constantly, than the reflection of the magnitude and multitude of the objects that must necessarily be submitted to parliamentary debate and deliberation. He reprobated the issuing attachments from the court of King's-bench in Ireland. If, said he, the pillars of the constitution are to be sapped, and the sacred rights of juries are to be invaded, our expected reform is frivolous and futile. I will not say but that the measure may be necessary here, which in Ireland circumstances may render inexpedient. But I must insist, that in both cases the meetings are precisely the same. There cannot possibly be guilt in one, and innocence in the other; and from this truth, what alarming inferences are not to be drawn! We know the minister not to be hostile to the measure; we can therefore only argue, that in the violence of this procedure he seeks to establish a precedent which he may find useful. He concluded with saying, that to the Address he gave a qualified consent. He had interpreted it according to his own ideas; but when it was mentioned, that the "true principles of the constitution were to be secured," no person, in his opinion, could vote as he did, unless convinced with him, that causes of danger did then exist.

Mr. *Pitt* claimed that indulgence, which, in his former speech, he had said he should hope for. He began with remarking that Mr. Burke had observed, that the unanimity he had flattered himself with was not likely to take place, but that the Speech of the day, although it was so remarkably short, was likely to give rise to as much diversity of opinion as the longest speech that ever had been made. The right hon. gentleman, he said, was, of all men, the best qualified to judge of the comparison between a very short and a very long speech; he would, nevertheless, tell the right hon. gentleman, that the unanimity which the present Speech was likely to meet with, would be exactly the same with the unanimity that attended the longest composition ever moved in that House, and which took up four hours delivering in the last session of parliament. Mr. Pitt took notice of lord North's animadversions upon the word 'reciprocal.' The noble lord, he declared, had so much wit, and was capable of using it in such a variety of ways, that it was always a disappointment to him, whenever the noble lord condescended to say the same thing twice upon the same subject. Two years ago, the House would recollect, they had been diverted with the noble lord's pleasantry on the word 'reciprocal.' Little did he imagine at the moment, that two years afterwards it would rise up again against him; indeed, had it been possible for him to have foreseen such an event, he might easily have changed it for another word which had excellent authority. Mr. Pitt then read from the Journal of May 17, 1782, the following resolution: "That it is the opinion of this House, that it is indispensable to the interest and happiness of both kingdoms, that the connexion between them should be established by mutual consent, upon a solid and permanent footing." This resolution, he said, had been moved by the Secretary of State, and it was in order to fulfil the meaning of the resolution, and to establish the connexion between Great Britain and Ireland by mutual consent, that he, and those with whom he had the honour to act, had advised his Majesty to mention Ireland in the manner in which it was mentioned in the Speech from the throne. He believed it would be pretty generally agreed, that there could be no mutual consent where there was not a reciprocity of advantage; and, therefore, though the word reciprocal had drawn some ridicule from the noble lord, he flattered himself the House would not think it an improper one to be used on the occasion. He would not advert to those inflammatory topics, which, in the progress of debate, had been adduced respecting some recent transactions in Ireland. Strange analogies had been brought forward on this subject. It had been alleged that it was the intention of ministry not to import sugar from Ireland; but on what grounds were these assertions founded? He would not enter into a discussion of them.—The recent transaction alluded to in Ireland, in a constitutional point of view admitted of no difficult ex-

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planation. It depended upon two circumstances, which were of an obvious nature, and on the issue of which the whole affair turned, viz. Whether the court of King's-bench had done right; or, supposing they had done so, whether their decision had altered the constitution? This was the hinge of the question, and till either of these points was settled, the cause must remain at issue, and in that situation he would leave it. With regard to the consequences that were predicted to follow the unanimity of the day, he was not so much inclined to superstition as the noble lord, nor could he be brought to believe his prophecy. Unanimity had preceded the fall of other ministers. The language of prophecy, however, was often ambiguous, and not always to be relied on. Were he to look back to the history of the administrations, whose fall had been preceded by inauspicious unanimities, he could form various predictions, which would stagger the faith even of the most credulous. Had any one, for example, affecting a spirit of prophecy, at a period preceding the fall of that administration at the head of which the earl of Shelburne stood, predicted, that two great parliamentary characters, who had always moved in different lines, who were known to each other only by their political animosities, whose opposition was avowed, whose resentments seemed implacable, and their hatred fixed, should, in a mysterious moment, coalesce, and unite in ejecting a minister, by reprobating a peace which the one had rendered necessary, and the other had declared to be so. Would such a prophet have conciliated the faith of the nation, and of mankind? Yet, this House knows, the nation knows, Europe knows, and the world knows, that such a fatal coalition was formed, and still exists at this hour. But to go on a little farther: at a subsequent period to that epoch, had any man, affecting the spirit of prediction, affirmed, that this confederation of sworn enemies and avowed friends were, in the plenitude of their power, full of the object, but forgetting the means of its accomplishment amidst the intoxications of ambition and the delusions of power, to arrogate to themselves the riches and the royalty of the country, and of the crown —to confiscate the property of the subject—but in so daring an enterprise to alarm the nation, and to accomplish their own overthrow in the very attempt towards monopoly and aggrandizement; would any one have credited the soothsayer, or paid any respect to his prophecy? Yet, strange as these events might seem in the prospect, we find them developed by the hand of time, coming forth in mysterious progression out of the womb of futurity! By one bold and desperate attempt, that shook the constitution to the centre, they alarmed and shocked the fears and feelings of the people, and thus an end was suddenly put to their career, in the very moment that they fondly dreamt that it was to last for ever. The dread of such another violation of the constitution still hung upon the people's minds, and hence arose the necessity for his Majesty's declaring in the Speech, that he would concur in any measure which could tend to secure the true principles of the constitution. It was to guard and preserve inviolate the just balance of the three estates from a similar attempt to destroy it, that the measures in question would be brought forward.—It had been asserted, that the Speech had taken no notice of points of the deepest importance to the nation. One honourable member in particular had remarked, that it took no notice of grievances which he had described with all the flowers of imagination, as superior to the subject of Ireland, and did not contain the substance of a paper which he held in his hand, and had read, in mutilated passages, culled out no doubt for his purpose, to the House. But was there any ground for such an objection? Upon the authenticity of that paper he would not decide; but the insertion of it would have surely been ridiculous, as coming from the throne. India had been the constant theme of preceding speeches; but it was now asked why India was forgotten? He would state to the hon. gentleman the real ground of the omission. During a succession of sessions of parliament for several years past, it had been the constant practice of his Majesty to recommend to the consideration of both Houses the state of India affairs. But it had been also the uniform practice of parliament to pay no attention to those recommendations from the throne. During the last session, however, the business had undergone the minutest discussion, and regulations had been adopted, and had since produced the most salutary effects. When the evils complained of were then removed, when those laws which were wanted were in full force, was there any necessity for suggesting the subject afresh to the consideration of the

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House? The business was ended. It was therefore unnecessary to revive it. He could not leave this topic, without asserting in the most explicit terms, the utility of the board for the regulation of India affairs which had been established during the last session. He was happy in having it in his power to assure the House, that the most salutary effects had already been produced by its establishment. A right hon. member (Mr. Fox) had affected much candor in speaking on this point. He would not suspect his sincerity on the occasion, but he would be bold to contradict the assertion which he had thrown out, that the mode of regulation which had been adopted had been productive of a corruption and a peculation hitherto unparalleled in the reprobated history of India affairs. The contrary was in fact the case. That corruption and peculation which had formerly existed, had received a check; nor had these evils been put a period to by the instrumentality of an all-grasping and overbearing ambition, or by means similar to those, which in the plenitude of power had been devised by the right hon. gentleman and his faithful friends, and of which the nation at large had entertained so bitter a presage.—With regard to the commutation tax, he could speak of it with certainty, as it had stood the test of experience, and proved to be as efficacious and beneficial a measure as ever had been suggested. The revenue had been considerably advantaged, and the public burthens very greatly alleviated. He saw a right hon. gentleman then in the House (Mr. Eden), who had very laudably, and much to his own honour and credit, borne a chief part in an able report upon the subject; and if he did not mistake, that right hon. gentleman had in that report estimated the loss the revenue sustained by smuggling, at something more than two millions annually. Let gentlemen consider, that by the commutation tax, the tea, the principal bank of the smugglers, was done away. Was not that consideration alone a proof of the policy and expediency of the measure?—Mr. Pitt answered Mr. Fox's argument on the subject of the proposition for a parliamentary reform, and said, if he had been a stranger to the House, and had come into a part of it, to which he must not allude, he should have been at a loss to have decided which of the two, the right hon. gentleman opposite to him or the noble lord in the blue ribbon, had been the greatest enemy to a reform in the representation of the people. He considered the noble lord as a bigot to his opinion on the subject; and as to all he had said upon the danger of innovations, had that doctrine always prevailed, the world would have continued to this day without improvement of any kind, and we should not have advanced a single step beyond the darkest ages of ignorance and barbarism. With respect to the letter in the newspapers to which the noble lord had alluded, as that neither was nor could be regularly before the House, it was rather a difficult matter to handle: but thus much he would say of it: the letter was not his, neither was he accountable for any particular phrases it contained. But what had passed upon the subject between him and the gentleman who wrote the letter, he was not ashamed to avow in that House or elsewhere. With regard to the words, "as a man and a minister," he had already said he was not accountable for any phrases in the composition; but it was to his mind very clear from the words what the gentleman meant to convey, and that was, that in any situation, public or private, in office or out of office, he would give the proposition his full support. And with respect to the words "boldly and honestly," upon which the noble lord had thrown so much sarcasm, did the noble lord, by an experience of his own use of power when in office, think it an impossible thing for a minister to act boldly and honestly? Were his maxims and long habits of office different from those plain, though honest and manly principles? Had he practised other means to retain himself in power? For his own share, he thought boldness and honesty the best props of every administration: and as long as, acting from these principles, he enjoyed the confidence and the patronage of the nation, he would employ his utmost endeavours to bring forward those measures which were necessary for restoring the constitution to its original principles, always preserving a strict regard to that balance on which its existence and glory depend.—He thanked Mr. Fox for his promise of support, in providing a surplus after the manner of a sinking fund, for the purpose of paying off part of the national debt, and mentioned the different principle upon which lord North had acted in his administration, the noble lord having uniformly declared, when he raised money and funded, that he had no view to redemption, but consi-

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dered it as a sale of so much of the national estate for ever, in order to accommodate the temporary and immediate exigency of the kingdom.

Lord *North* replied to Mr. Pitt's observations; and first he observed, that the right hon. gentleman possessed such a power of words, and was so commanding in his eloquence, that he scarcely knew how to venture a reply to what he had said, although it had been so immediately pointed at himself. The right hon. gentleman had called him a prophet and a bigot, to neither of which characters he had the smallest pretensions. It had not been said by him that the unanimity of the day was ominous, for that two administrations had been overthrown shortly after addresses moved upon speeches from his Majesty had been unanimously carried: that declaration, for it was not a prophecy, came from his right hon. friend. He pretended not to the gift of divination; but the present minister, and those who were the means of turning out the last poor deluded administration, might have passed for prophets, for they certainly knew, that the very Bill that they had themselves so loudly called for, and said, 'let us have no palliatives, no half-measures!' would be the means of their ruin. With regard to the peace which the right hon. gentleman had said he had rendered necessary, and his right hon. friend had declared to be so, it was such a peace as the situation of the country by no means justified. It was, as he had before observed, a treaty in which the reciprocity declared to be the cement of perpetual happiness was all on one side, for we had conceded more to America than there was the smallest reason for. His lordship denied that he was a bigot, and said, his were sound Protestant politics, and not Roman Catholic politics. He insisted on his attachment to the constitution as it stood, declaring he had the experience of ages to justify his notions against innovation, and that no two men could agree as to what ought to be the reform adopted, if any were necessary. Mr. Wyvill proposed one thing, the quintuple alliance another, other gentlemen a third, others a fourth, and so on *ad infinitum*; in short, there was no such thing as a decided opinion upon the subject. He said, he was glad the right hon. gentleman had been wise enough to have denied the letter, and renounced all responsibility for the particular phrases it contained. There was good sense in his reasoning upon it, but his flat denial, that either the letter or phrases belonged to him, was the best part of the argument; for certainly to have acknowledged the letter, would have done the right hon. gentleman neither honour nor credit; and yet he observed the right hon. gentleman could not help shewing a wonderful tenderness with respect to these same phrases that he had directly disclaimed, which looked a little suspicious. He also remarked, that the obvious aim of a great part of what the right hon. gentleman had said, had been to promote a difference between him and his right hon. friend: a matter which, he assured the House, would not very easily be effected, as they had united with a view to measures in which they could honourably agree without abandoning any one principle they had formerly maintained. The union they conceived to be advantageous to their country without being disgraceful to themselves. They had made no sacrifice of sentiments in consequence of their junction; they had met on a great and most important occasion, the settlement of the peace; and upon that occasion they acted in concert. Was it to be held out, that because men differed on some topics, that they must therefore be separated upon all? Certainly not. The peace they considered as framed with so little attention either to the claims or the necessities of the country—with so little intelligence in respect to the objects about which they had to treat, or with so little reverence for the dearest concerns of the crown, whom they professed to serve, that his hon. friend and himself would have considered it as an abandonment of every duty which they owed to their king and country, not to have stood forward and published their reprobation. That peace was a dereliction of what America not only did not claim as a right, but which she did not aspire to as a boon; and it yielded away to every power, without even the merit of a pretext, or the colour of reciprocity. But it was asked, why his friends had suffered the commencement of the earl of Shelburne's administration? and why they did not oppose his outset in the famous speech which had been mentioned? To this he must say, that his friends were by no means willing to institute a factious opposition. They were disposed to second the measures of his ministry, if they were such as they con-

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ceived to be favourable to the country. His promises were magnanimous, and they trusted to his promises: but his performances bore no similitude; they opposed his performances, therefore, with as much zeal as they had yielded to his promises.

Mr. *Fox* declared it was an easy matter to contend, that the present system of governing India was not so bad as the consequences of his Bill would have been, calumny having loaded that Bill with the foulest reproach that could be thrown on a public measure, without the smallest proof of any kind whatever, and without there having been a possibility of forming any comparative judgment.

Mr. *Burke* defended what he had said of Ireland from the colouring Mr. Pitt had put upon it. He had said that they were trivial in comparison with the more imminent and extensive wants of Hindostan. He defied the most audacious minister to ascribe to him more than this. His wishes for the prosperity and happiness of Ireland yielded to those of no man; but they must be ignorant or inhuman, who said that Ireland, in her present circumstances, so feelingly called on Britain as the undone millions of India.

Mr. *Martin* declared himself a friend to parliamentary reform, and expressed a wish, that instead of a specific motion, it had been the right hon. gentleman's intention to move for a committee to inquire into the state of the representation. He differed in opinion from Mr. Wyvill; but he thought that gentleman entitled to great praise for his honest and laudable endeavours to promote a parliamentary reform.

The question was then put on the amendment and negatived. The main question was then carried, *nem con.*

The King's Answer to the Commons' Address.] To the Address of the Commons his Majesty returned this Answer:

"Gentlemen;

"I return you my thanks for your very loyal and affectionate Address. I receive, with the utmost pleasure, the assurances of your disposition to resume the consideration of public business with the same principles which you have manifested in all your former proceedings; and I trust that the result of your deliberations will be productive of the most salutary effects."

Call of the House—Parliamentary Reform—Affairs of Ireland.] February 1, 1785. Mr. Chancellor *Pitt* said, that as the House appeared to be pretty full, he would take that opportunity of giving notice of the day upon which he should move that the House be called over. On the first day of the session he had taken the liberty of mentioning the necessity of moving for a call of the House, in order that it might, if possible, be still fuller than it then was, when that very great and important measure, a proposition for a reform of the representation in parliament, was brought forward; another subject of nearly equal importance, and he used the words 'nearly equal,' because he knew not of any matter entirely equal in importance to a well-digested plan of reform, (if any such could be suggested) it would also be necessary very shortly to call their most serious attention to, and that was, what was particularly pointed out in his Majesty's Speech, viz. the adjustment of a commercial intercourse between Great Britain and Ireland. There would also be several material questions of finance to be agitated; and these three great objects, which might be considered as the heads or outlines of the principal business of the session, made it a circumstance extremely desirable that there should be as full an attendance as possible. His wish, however was, to hear from gentlemen on all sides of the House, what day would prove most agreeable. Unless he heard any objection to it, he should take the liberty of moving, "That the House be called over on the 15th instant."

Mr. *Fox* was extremely glad to hear so early a day named for the call. He acknowledged he had come down to the House, expecting to hear its attention desired to a different subject. He had been informed, and from what he considered as very good authority, that the subject of an arrangement of a commercial intercourse between Great Britain and Ireland, was to be opened that very day in the parliament of Ireland; now, notwithstanding the respect he entertained for that assembly, he saw no reason consistent with propriety, or consistent with decency, why a matter of so much consequence to the common interests of the two countries should be brought forward in Ireland, and proposed in the parliament there, while the British parliament remained wholly and completely ignorant what the minister's intentions were respecting a topic of such very great importance. How far it was respectful and becoming to propose

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the matter in Ireland, and not to let that House hear a syllable upon the subject till long afterwards, he would leave gentlemen to determine.

Mr. *Pitt* said, that when the propositions for the arrangement of a commercial intercourse with Ireland should be stated, the House would judge how far it had arisen from any want of decency or respect, that they had been opened in the parliament of Ireland a short time before it had been deemed advisable to open them in London; in the mean time, he begged gentlemen would have the goodness to suspend their opinions upon the subject. It was, he said, impossible for him precisely to name the day on which he should be able to bring forward the propositions; but as far as he was then able to say, he believed he might be prepared to do it on Monday fortnight, which would be the day previous to the call of the House. In about a month from that day, which would be a fortnight subsequent to the discussion of the question relative to Ireland, he should propose what he had to offer to their consideration on the subject of a plan of reform; and shortly after that, it was his intention to bring forward all the business of finance; so that within a few weeks the House would be, in some sort, in possession of the measures to be proposed by government on the leading topics that would engage their attention in the course of the session.

Mr. *Eden* said, that he should be exceedingly glad to see a full House on the agitation of questions essentially affecting the manufactures, commerce, revenue, navigation, and landed interests of England, Scotland, and Ireland; and he felt cordially disposed to promote a full investigation of the subject to the utmost of his power. In the mean time, he would neither prejudice nor prejudge, by endeavouring to conjecture what particular arrangements were intended to be brought forward. But he knew enough of the commercial circumstances of both the islands to know that many accounts of imports, exports, duties, bounties, drawbacks, and various branches of revenue, ought to be laid before the House previous to calling for the assent of parliament to propositions of such magnitude as the King's Speech had announced: without such accounts it would be impossible, even for those who were the most familiarized to commercial questions, to form a competent opinion, or to give any vote that would not be in the highest degree rash, dark, and dangerous. Under these feelings he had already moved for several statements tending to throw a general light on the subject: but he had confined himself to the British boards of revenue, and had forborne to ask for any Irish accounts, partly because there was some formal difficulty in the mode of calling for them, and partly because he must suppose that the right hon. gentleman had formed them on proper documents furnished by the Irish government, and such as, in his opinion at least, would support the inferences. He would hope, therefore, that the right hon. gentleman meant to lay those documents before the House with all practicable dispatch. Mr. Eden added, that he had a wish to intimate also on the notice respecting a question of parliamentary reform; but in this request he would fairly own that he did not expect to be equally successful as in the other. It was nevertheless calculated to prove the right hon. gentleman's sincerity to all who had appeared to doubt it. He must, however, except himself from that description: he firmly believed that the right hon. gentleman was sincere, and was sorry to see an individual of such weight engaged in a pursuit contrary both to policy and sound principles, and tending to impair that constitution which it proposed to improve. He was sure that nothing less than a mistaken and heated enthusiasm on the subject could have induced a wise and discreet minister to risk a declaration to the public, notoriously disagreeable to many of his own colleagues in this kingdom, and highly embarrassing, if not dangerous, to an important branch of his government in another part of the empire. Be this as it might, he must suppose that the right hon. gentleman, in the magnitude of his object, had not been inadvertent to the means; and as it must be presumed that he had prepared and digested his plan before he had suffered the notice of it to be circulated through both kingdoms, his sincerity as well as his candour would be shewn by now stating the outlines of that plan: gentlemen then might have time to weigh it in all its parts, and to give it a full and adequate consideration. The public, too, would have the advantage of declaring their sentiments upon it, instead of being embarrassed and bewildered by circular proposals of general innovation, without pointing to any specific mode.

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The purport of such an avowal might not improperly be added to the Speaker's letters to the several sheriffs; and upon the whole, though he would again acknowledge that he despaired of succeeding in this very reasonable request, he declared that a compliance with it would not, in his opinion, detract either from the 'boldness or honesty' of the right hon. gentleman's undertaking.

Mr. *Adam* joined his wishes to Mr. Eden's, that the right hon. gentleman would give some explanation of the nature of the specific proposition he meant to bring forward. He reasoned upon the magnitude of the object, and asked, if an alteration in the form of that House, the most important branch of the constitution, ought in common decency to be proposed to them without their having been previously apprized of the nature of the alteration intended?

Mr. *Fox* said, it was and ever had been his opinion, that the means most likely to attain that very desirable object, a reform in the representation of the people in parliament, would be to introduce the subject as a general proposition, as it had heretofore been introduced into that House; and that, on the contrary, to bring it forwards as a specific proposition, was the way of introducing it the least likely to succeed. He therefore heartily wished the right hon. gentleman's intention had now been to move a general proposition; but if it was to be a specific proposition, he did most earnestly hope he would bring it forward in that way which would make it approach the nearest to a general proposition; and that was, not by any means to preface the introduction of it by any explanation of its nature and tendency previous to his proposing it to the House. Mr. Fox enlarged upon the advantage of a general proposition in preference to a specific one, and said, if the right hon. gentleman was to explain his intended proposition then, public meetings would be held upon it without doors, a variety of opinions would be promulgated at those meetings, and the result would be, that some set of ideas or other would be adopted by the people, to which the mover of the proposition would be bound down, as well as the House; and thus the freedom of debate would be frustrated, and the subject would not come before them as it ought to do, freely, fairly, and impartially. He concluded with repeating his advice to Mr. Pitt not to open the nature of his proposition till it came in form for discussion.

Mr. *Pitt* said, there needed not the cogent arguments of the right hon. gentleman to have induced him to withstand the advice which had been offered him. He said, he was extremely glad to find the right hon. gentleman a friend to a proposition for a reform in the representation, even though he did not approve of a specific proposition so well as of a general one. Indeed, the right hon. gentleman, in his partiality for general propositions, appeared to have pushed his argument a good deal too far; for if he understood him right, he had declared he admired general propositions so much, that he wished never to hear of a specific one. Now, if a specific proposition was not to be proposed at some period of the business or other, he believed many gentlemen would join him in opinion that a parliamentary reform would not very soon be effected. Having made this remark, Mr. Pitt said, he congratulated himself extremely on having heard that the two hon. gentlemen who had called upon him to explain the nature of his proposition, would be among the number of those who would vote for it, when he should state it to the House. He acknowledged this was a most pleasing disappointment to him; he had counted upon their standing forward among the foremost of his opponents; but he was glad to find, from their arguments of that day, that they had bound themselves to support the proposition, in order to see how far it was prudent to act upon it. This was what he had not expected to hear, and he should be still more flattered to hear as much from the noble lord in the blue ribbon. As the two hon. gentlemen had been in the habit of advising the noble lord, as they had formerly been among the choicest of his counsellors, he wished they would be kind enough to favour him with their advice then, and persuade him to promise as much as they had done.

Mr. *Fox* rose to explain. If he had said that he was so fond of general propositions as never to wish to hear a specific one proposed on the subject of reform, he must have expressed his meaning very inaccurately. His meaning was, and he believed he had precisely said, that he wished to see the subject of a parliamentary reform introduced into that House by the means of a general proposition, because he considered that as the most

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likely means to lead to ultimate success. He farther exemplified his meaning by reminding the House of the general proposition moved some years since, "that the influence of the crown had increased, was increasing, and ought to be diminished." Had a specific proposition for the reduction of the influence of the crown been moved, instead of that general one, he was convinced it would have been lost; but the general proposition having been carried, although it was not acted up to afterwards with immediate specific propositions, as it ought to have been, yet he was persuaded it was that circumstance which facilitated and gave success to all the measures that were subsequently adopted for the reduction of the influence of the crown.

Lord *North* said, he had not intended to have risen to speak that day; but when the Chancellor of the Exchequer rose last, he was pretty sure he would say something that would render it impossible for him to sit still. Thus, on a former occasion, when the subject of reform was under consideration, and from cold, ill health, and other motives, he wished to have remained silent, the right hon. gentleman spared no pains to prevent it, and with such effect, that he forced him to rise. He presumed, it was from the sincerity of the right hon. gentleman's love of a parliamentary reform, that he determined the subject of reform should never be agitated, without his being called up and compelled not to remain silent. The right hon. gentleman had, in a very extraordinary manner, inferred from what had been said by his right hon. friend near him and his learned friend behind him, that they were obliged to support his proposition when it should be brought forward, merely because he had refused to comply with their request, and to explain the nature of it previously. This was certainly a new mode of arguing, and such as it was no easy thing to answer or to refute. To expect gentlemen to hold themselves pledged to support a proposition, because their desire to know its nature beforehand was refused to be acquiesced in, was of a piece with Mr. Wyvill's having not only pledged himself to support the minister's plan of reform, when known, but his having sent circular letters to desire that county meetings might be immediately called for the purpose of instructing their members to support it, in like manner, when known; a mode of pledging men to a measure in the dark, that had never suggested itself to the wisdom of our forefathers! With regard to himself, he would not scruple to tell the right hon. gentleman, that he did not desire him to explain his proposition; and, what was more, he was glad that it was to be a specific proposition. He thought it was more fair and candid to bring it forward in that manner, and he was glad of it, because it was less likely to succeed. As an enemy to any alteration or innovation in our constitution, and not thinking that a bad proposition could be converted into a good act of parliament, he sincerely hoped that the right hon. gentleman would fail; but he must say, there was something extremely candid in his conduct. He had formerly brought forward a general proposition, and he meant now to bring forward a specific proposition. This, together with the consideration of the present state of our constitution, reminded him of a story somewhat ludicrous. It was, the extreme candour of one of our critics, who wrote a criticism on a poetical translation of Virgil, then before the public, and at the same time promised to publish a version of his own. Upon which it was said universally, that nothing could be more candid, for he not only gave us a comment to shew the defects of what we were in possession of, but engaged to give us a specimen of what it ought to be. It was also said, that though he might prove but a bad poet, he had shewn himself to be an able critic. When his version, however, came out, it was found to be such a monster of absurdity and deformity, so execrably lame and bad, that every body cried out, "Give us our old translation again: although it has a few defects, and a few trifling errors, it is ten thousand times preferable to your poetry!" Having excited a general laugh by this story, his lordship said, there was one matter he seriously wished, and that was, that the right hon. gentleman would invert the order of bringing on the business he had mentioned, and let the reform precede the question respecting Ireland. The question of reform was not, he observed, a new one: it had been often agitated; the minds of gentlemen were familiar to it, and he saw no reason whatever for postponing it so long as the right hon. gentleman said he designed. The question respecting Ireland, on the contrary, would be equally new and important. It required much discussion, much deliberation,

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and ought not to be suddenly brought forward. Let the right hon. gentleman recollect that the question respecting Ireland depended upon no general reasoning, upon no general knowledge; nay, not even on a particular and extensive knowledge of commerce; but upon a variety of accounts, accounts that must be called for by that House, that must be carefully examined, that must be before them a sufficient time to enable gentlemen to make themselves masters of their contents. Let it be remembered, that the question respecting Ireland involved the interests of the northern as well as the southern part of the kingdom. The right hon. gentleman had talked of his advice. Let him ask the advice of a learned friend near him (Mr. Dundas) who had formerly given him very good advice. That learned gentleman, he had no doubt, would advise him to change the order of the business to be brought forward.

Mr. *Pitt* said, the only requisition of those made by the noble lord, that he could comply with, was that of not going into any previous explanation of his intended proposition. To the request that he would suffer the question of reform and the plan respecting Ireland to change places, he could not accede.

The motion for the House to be called over on the 15th instant was agreed to.

END OF VOL. XXIV.

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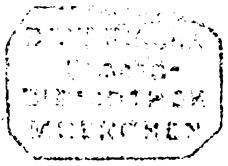

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